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The Messages and Proclamations

OF THE

Governors

OF THE

STATE *of* MISSOURI

COMPILED AND EDITED BY

SARAH GUITAR

and

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SECRETARY OF THE STATE HISTORICAL SOCIETY OF MISSOURI

VOLUME XVI

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PREFACE

This volume of "The Messages and Proclamations of the Governors of the State of Missouri" includes the messages and proclamations of Governor Phil M. Donnelly (1945-1949).

FLOYD C. SHOEMAKER.

COLUMBIA, 1950.

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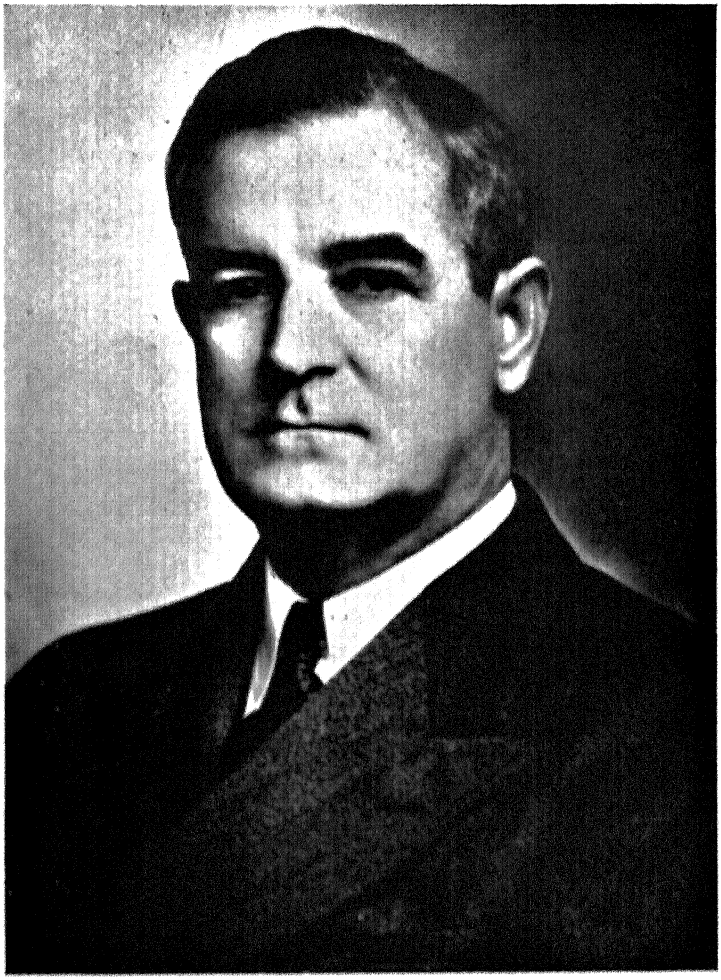
GOVERNOR PHIL M. DONNELLY



PHIL M. DONNELLY
Governor 1945-1949

PHIL M. DONNELLY

By

Frank P. Briggs

Phil M. Donnelly, forty-first governor of the State of Missouri, lawyer, statesman, and business leader, was born in Lebanon, Laclede County, Missouri, on March 6, 1891, the son of Phil and Margaret (Halloran) Donnelly.

He attended the public schools at Lebanon and was graduated from the Lebanon high school in 1909. In the fall of that year he entered St. Louis University to study law, that having been his ideal from his early youth. In four years he had completed the course and was graduated in 1913.

After taking the bar examinations and being admitted to practice law in Missouri, Mr. Donnelly returned to his native county, Laclede, and there entered a partnership with J. W. Farris, which partnership continued until Mr. Farris' death.

His early practice of the law paralleled that which many young lawyers face today. While its calls were many, its recompense was not so large and his shingle was fairly well nailed to the wall before his reputation as a "good lawyer" spread throughout the area of Laclede and adjoining counties. In the law, as in other ventures, however, Mr. Donnelly's alert and keen mind soon became evident and his clientele grew until it is now one of the largest in the State.

On May 22, 1915, Mr. Donnelly was united in marriage with Miss Juanita McFadden, a native of Paducah, Kentucky, who was then living in Maplewood. She is the daughter of E. M. and Zilpah McFadden. One son, Phillip David, who is now a law partner of his father, was born to this union.

Soon after entering legal practice in Laclede County, Mr. Donnelly also became interested in politics. His native county was Republican, but he believed in the principles of the Democratic Party and it was with that party that he made affiliation. He was first elected city attorney of Lebanon, a post he held

for several years by reelection, and served one term as prosecuting attorney of Laclede County. In the fall of 1922, he was elected by Laclede County as its representative in the Missouri General Assembly and two years later he was "sent over the corridor" to the State Senate, where he promptly made a name for himself as a parliamentarian and legislative leader. In the next five years he was honored with every post of honor his fellow senators could bestow on him.

Senator Donnelly was chairman of two different commissions to revise the Missouri statutes, one in 1929 and the other in 1939. His work on both commissions bespoke apt knowledge of the law and the statutes, and other states copied Missouri's procedure in their revision work.

Political history was made by Senator Donnelly when, in 1944, he found himself pitted against a fellow townsman from Lebanon for the high office of governor. And the town of Lebanon also made history when it went to the polls and cast the same number of ballots for each candidate.

Upon being elected governor, Phil M. Donnelly started again making history. He brought to the executive office the invaluable knowledge gained through years of experience in the legislative bodies and through the practice of the law. And soon national attention was focused on Missouri through certain enlightened policies of its chief executive.

One of the first of Governor Donnelly's policies that brought him national prominence was his insistence that Missouri be given the right to operate its own State employment service. The threat of the Federal Social Security Administration to withhold certification of Federal unemployment tax credits because of the controversy over the transfer of the U. S. Employment Service in Missouri collapsed when the Governor stood his ground and informed the Federal agency that Missouri was prepared to operate its own business without Federal aid if necessary.

Federal dams in Missouri soon became an issue in the Donnelly administration and Governor Donnelly again attracted the attention of the nation in his expert handling of this "touchy" question. After rejecting a proposal to build a large dam at Osceola, the Governor went into the matter of

flood control and devised a working formula which was adopted by other states as their blue print in the flood control fight.

National attention again came to Missouri when Governor Donnelly moved to correct conditions that existed in Missouri's penal institutions, especially in the Training School for Boys at Boonville. Citizens of Boonville were demanding the school's removal because of their fear of boys who frequently escaped from the institution.

Governor Donnelly asked the Training School Board to take steps to clean up the situation. When they hesitated to act, he called for their resignations, appointed a new board, and installed a new administration at the school. Criticized at the time, critics soon began to see that the Governor was leading in the right direction and their fault-finding soon turned to praise.

One of the outstanding features of the Donnelly administration was the wise and courageous exercise of the veto power. Small loan laws, sought urgently by large interests, met the Governor's veto. A change in the Missouri State Highway Commission to give disproportionate representation to the rural areas also met the Governor's veto.

Those who read the Governor's veto messages were impressed with their thoroughness and their logic. In each case, the Governor very painstakingly told the legislature just why he could not approve the bill. His explanations were direct, yet without a sting. There was little resentment shown by any member of the General Assembly on account of the Governor's use of the veto power.

Governor Donnelly again attracted national attention in handling a tense situation when a group of 250 "marching veterans" from Springfield went to Jefferson City to demand a $400 bonus or "sit in the capitol until they got it." The Governor, in a clear ringing voice, addressed the veterans in the rotunda of the capitol and advised them to take the orderly manner to secure their demands—that they should call on their legislators and discuss their desires with them. "We have the same Democracy in Missouri that we have in the United States, the same kind of government that you went and served to preserve and protect. You should be the last

to try to upset that kind of government," he told the young men as they listened to his "No."

When politicians started fighting the proposal to adopt a new constitution, Governor Donnelly, a student of constitutional law, came out for the adoption of the new document and did much to cause the voters of the State to follow his example and do away with an outmoded basic law. Adoption of this new constitution meant the entire remodeling of Missouri's government. Governor Donnelly took positive leadership in the work of setting the new government on a firm basis.

Governor Donnelly's policies relating to labor in several instances met with the disapproval of labor organizations. He clashed with labor organizers in St. Louis when they attempted to unionize the St. Louis police department, and he took an active interest in the passage of several labor-control laws.

Moral and intellectual courage are not the only kinds of courage shown by the Governor while the State's chief executive. When prison lights were darkened by a blast and prison officials were not at hand to be in command, the Governor rushed to the Penitentiary and saw to it that order was preserved. Also, in the Boonville transfer, Governor Donnelly was in one of the cars that took the "hardened" boys to their new quarters at Jefferson City.

The Governor's positive actions to wipe out crime and gambling in Missouri became the subject of acclaim throughout the State. His moves against racing news syndicates and other forms of crime, his naming of men of high moral character to all police boards, and his orders to the Missouri State Highway Patrol to stop all kinds of crime and racketeering did not lessen in his four-year term.

Several honorary degrees were conferred on Governor Donnelly during his term, the first coming from his alma mater, St. Louis University. In presenting him for the honor, the Very Reverend Patrick J. Holloran, president of the University, said:

"For more than a generation the Honorable Phil M. Donnelly has served the citizens of his native state. His long record has been one of both distinction and accomplishment—accomplishment of so irreproachable and noteworthy a char-

acter that when he placed that record before the electorate of the state as his title for the conferment of the highest office in Missouri, the citizens of Missouri chose him unhesitatingly as their governor.

"When one realizes that at the same time the men and women of Missouri sent a member of the Republican party to Washington as Senator and elected another member of that party to the office of Mayor in the City of St. Louis, it becomes apparent that consideration centered around the man himself, and the election of Governor Donnelly was the result of weighing achievements and assessing the merit and the ability of the man in the light of the character reflected in those achievements."

Culver-Stockton College, Westminster College, and William Jewell College also conferred the Doctor of Laws degree on Governor Donnelly.

While his record as Governor of the State has been his outstanding accomplishment, perchance a visitor would find the former Governor telling as his most-prized triumph of some victory at the bar. The law is now, and has always been, his profession and his hobby. When others play golf, fish, hunt, or relax in some way, Phil Donnelly finds relaxation in the study of the law. Visiting with him, one may find him interested in a story of how this or that trial was won. His keen mind detects instantly a break in testimony and his knowledge of the law enables him to follow that break to a successful conclusion. The training of his son David in the law is a task that the former Governor now enjoys. The father-son combination has ever been a close, delightful comradeship. Their business relationship continues on the same understandably high plane.

But Phil Donnelly has not given all of his time to the law and to public life. Fraternally, he is affiliated with the Independent Order of Odd Fellows, and after serving in various capacities in the subordinate bodies, he was elected and served the Grand Lodge I. O. O. F. of Missouri as its Grand Master in 1931 and 1932. He is also a member of the Woodmen of the World and is affiliated with all the York Rite Masonic bodies in Lebanon and with the Abou Ben Adhem Temple of the Nobles of the Mystic Shrine at Springfield.

Governor Donnelly is a member of the Lebanon Chamber of Commerce and of the Lebanon Lions Club. He belongs to the Missouri State Bar Association and to the Nineteenth Judicial Circuit Bar Association, having served as president of the latter association.

At the end of Governor Donnelly's term, the accomplishments of his administration were widely acclaimed by newspapers over the State. A St. Louis newspaper, in an editorial entitled "Gov. Donnelly Steps Down," said:

"The retiring Governor possessed several outstanding qualifications for that office. He is an outstanding lawyer, he had long experience in the state senate, he had an intimate acquaintance with state government, he was no narrow partisan—and he had courage. The slick politicians of his party didn't get very far with him, which explains the grumbling in some quarters. Every Assembly bill, every proposal or request that came to his desk was subjected to judicial scrutiny. When he acted, it was with the conviction that he was right, legally and morally, and there was no temporizing for reasons of political expediency. Charges to the contrary were never seriously pressed or proved. At no time has there been a question as to who was Governor. Phil Donnelly bowed to no clique within or without his party, no pressure group—he was strictly on his own."

INAUGURAL ADDRESS

JANUARY 8, 1945

From the Journal of the House of Representatives, pp. 87-94

Members of the 63rd General Assembly of Missouri:

Twenty-two years ago I took the oath of office as a member of the General Assembly of Missouri. I have had the honor of serving in the General Assembly continuously since that time. Today, I have taken the oath as governor, the highest office within the gift of the people of this State.

I have taken this oath in deepest humility and with the sincere hope that God will guide me, and give me the courage, the strength and the wisdom to perform the duties incident to this office, and that I may serve the citizens of Missouri in an efficient and unselfish manner.

I am proud of my native State. It is my desire to give to our State a practical and businesslike administration. I want to carry out a constructive program for the best interests of our citizens. I am confident that by close cooperation between the executive and legislative branches of the State government this can be done. This cooperation will greatly increase the efficiency of the service which we desire to render. To that end I come to you today with some suggestions which I feel we should consider as we open this new year and this new administration.

NEW CONSTITUTION

In view of the fact that the voters of Missouri will decide on the adoption or the rejection of a new constitution on February 27, the adoption of which will make it necessary to change many of our existing laws in order that our statutes may comply with the provisions of the proposed new document, it is my suggestion that no legislation be enacted before February 27 which would conflict with the proposed changes in the new constitution.

It is my intention to make certain recommendations to this General Assembly with reference to consolidation of different departments and functions of State government. I also have in mind changes in other matters which are on the program of this administration, but I intend to hold these matters in abeyance until the decision of the voters on the proposed new constitution has been made.

SURPLUS FUND

It is estimated that a surplus of approximately $18,000,000.00 will remain in the general revenue fund after all current obligations of the past biennium have been paid. I recommend that this surplus, and any accumulated surplus as the result of economical spending, be safeguarded as a backlog for postwar projects and postwar employment. Since the war and business incident thereto have been responsible for this surplus, it would seem not only the part of good business but a moral obligation that it be set aside to take care of some of the damage this war will inflict on Missouri. It is going to require hardheaded resistance to pressure groups by both the General Assembly and the Governor in order that this surplus be judiciously spent, and I earnestly recommend to you that you regard this surplus as a sacred fund.

NEEDLESS PRINTING

Since I became connected with the State government I have noted, each biennium, the increase in needless printing. Many reports are called for by law, and the law demands that the different departments prepare and print large volumes detailing their work for each biennium. It is my belief that little or no use is made of these printed reports, and, too, these reports are carried over and reprinted in the appendix of our legislative journals. I recommend that you cause a thorough study of this waste and that you amend or repeal existing laws that demand such printing. Hundreds of thousands of dollars will be saved to the taxpayers annually by a revision of the printing laws, and the paper and manpower shortage in the printing industry will be greatly relieved thereby.

VOIDING WARRANTS

My attention has been called to the fact that the State of Missouri has many warrants outstanding over the period of years, some of them being twenty to thirty years old. Each State Treasurer is called upon to carry these warrants forward, taking much valuable time and bookkeeping expense. The Federal government, and several state governments, have laws voiding their warrants at the end of a given period. I recommend that this General Assembly enact a law directing the voidance of a Missouri warrant uncashed at the end of a stated period.

DESTROYING OLD PAPERS

Absence of any law permitting the State officers to discard and destroy old papers which are filed in their offices is causing a serious storage problem to the State. Storage facilities are crowded and storage cabinets are being purchased each year at an enormous cost to the taxpayers. I recommend that laws be enacted permitting the discarding and destroying of old papers which are worthless to the State at the end of a given period.

LEGAL DEPARTMENT

Over a period of years various State departments have been authorized to employ attorneys, and others have employed attorneys unauthorized, although in some instances they have been given other titles. As a result, the State has numerous legal departments performing in many instances duties which overlap those imposed upon the Attorney General and his staff. The opinions of these various legal departments have often been in conflict with the opinions of the Attorney General, thereby causing confusion and uncertainty of action. The State of Missouri should have only one legal department. It should be adequately staffed to properly serve all the departments of the State. This would prevent duplication of effort, conflict of authority and unnecessary expenditure of money. This legal department should be under the jurisdiction of the duly elected Attorney General, and I recommend to this General Assembly that appropriate legislation be enacted to accomplish this end.

FISCAL YEAR

Our fiscal year should be changed. If it is not changed by the result of the vote on the proposed new constitution, then a constitutional amendment should be submitted for that specific purpose. At the beginning of each biennium we face a temporary emergency until money can be appropriated for State needs. Many times this temporary emergency under our present fiscal system involves hardships.

I note that there have already been introduced in this General Assembly bills appropriating funds for the first six month period of this biennium. These bills should be regarded as emergency measures and provide for only necessary functions of government without establishing a policy or standard of appropriation for the entire biennial period.

It is possible that even with the utmost diligence these bills may not be passed in sufficient time to promptly meet the current obligation of the State toward its social security program. I, therefore, suggest the following for your consideration:

In times past the General Assembly and the Governor have met on terms of confidence and have passed and approved concurrent resolutions requesting the Auditor to audit, and the Treasurer to pay necessary operating expenses of the State government, pending the passage of appropriation bills and pledging their honor that before the General Assembly adjourned these payments would be met by appropriation bills. I have implicit trust and confidence in you, and I recommend that you pass a concurrent resolution without delay authorizing the payment of old age assistance, aid to dependent children and relief for the month of January and until the necessary appropriation bills have been passed. I will speedily approve such a resolution and we should be able to get these checks to needy Missourians within the next few days.

CONSOLIDATION

Those of you who have served several sessions of the General Assembly will recall how small functions of government once recognized and established by the General Assembly,

start growing and continue to grow until they become major problems. It is time, in my opinion, that we begin to consolidate and integrate functions of our State government, and that we stop enlarging and expanding departments, staffs and bureaus. To that end I suggest that this General Assembly proceed to enact laws which will bring to the citizens of the State improved government at a greatly decreased cost.

PENAL AND ELEEMOSYNARY INSTITUTIONS

I have previously announced my belief that employees in the State eleemosynary and penal institutions should be selected on the basis of merit and that the adoption of the merit system in these institutions will serve the best interests of those for whom these institutions care. I am very definitely of that conviction. I call your attention to the fact that it will not be easy to correct many of the problems affecting these institutions and that in considering such remedies it will not be to our advantage to approach them in a hasty or superficial manner.

Many problems arise from the operation of our eleemosynary institutions. They are the fault of an antiquated system. Some of the problems have existed for years. Overcrowding, limitation of vitally needed facilities, underpaid and inadequate staffs, all add to the problem confronting us in the administration of eleemosynary affairs.

We may soon be called upon to distinguish between custodial care for senile patients and the necessity of emphasizing curative treatment for those who may be completely restored to mental health.

I suggest that the General Assembly consider removing the statutory maximum on the salaries provided for physicians at these institutions. The extremely low salary schedules provided for physicians at these institutions do not permit us to furnish the type of care required in the most progressive hospitals.

My attention was called a few months ago to the sanatorium at Mt. Vernon where we had 150 patients on the waiting list. I was told that at that time we had space in the

institution for an additional 230 patients but we did not have sufficient medical staff to care for them. This is one example of the problem that confronts us in our eleemosynary administration.

Our penal institutions also present a perplexing problem. The introduction of a merit system will probably be only one of the steps necessary to put our penal system on a par with our nation's care of society's offenders. It is probable that when a merit system is considered for the penal institutions a more flexible provision regarding salaries may be needed.

I suggest that this General Assembly, through appropriate committees and with the assistance of the Committee on Legislative Research, make a factual study of the administration and operation of the penal and eleemosynary institutions to the end that legislation may be enacted to remedy conditions found to exist.

This study, I believe, should scrutinize carefully our handling of juvenile and adult offenders in our reformatories and prisons. It is my belief that we have lagged greatly in Missouri in these institutions, particularly in the handling of juvenile offenders. Widespread criticism has resulted because of our failure to give them the corrective care and custody contemplated by law. I believe that the Boys Reformatory at Boonville should be thoroughly divorced from contact with adult or hardened criminals from the Penitentiary and that emphasis should be placed on the educational facilities offered these boys, even to the extent of establishing a high school to further the education of those held under our care.

I, of course, do not regard the adoption of a merit system for these institutions as a panacea for all of their troubles, but it is my recommendation that this General Assembly give deep and sincere thought to correcting conditions that will be found to exist.

BUILDING PROGRAM

Several of the institutions have made requests for new buildings and others have requested that repairs be made to buildings already erected. These are matters that should receive your careful and serious consideration. I recommend for your consideration the establishment of a State agency,

probably within the Budget Department, where experienced personnel would have charge of the erection of new buildings and the repairing and remodeling of buildings already erected. In this way, institutions which are in need of new buildings or which have buildings in need of repair will be able to have this done and the unneeded construction of buildings will be prevented. It will also stop the practice of institutions coming before you competing with each other for new buildings. In this connection I recommend that you give thought to the setting aside of the revenue collected from the five cent property tax as a permanent fund to be used solely for the construction of new buildings and the repair of old buildings. The establishment of this permanent fund to be used for no other purpose should assist in solving our building problems.

SOCIAL SECURITY

From many sources come recommendations as to ways and means to improve our laws permitting aid to our aged, needy and dependent citizens. This is one of the vital phases of our State government and we should work unceasingly to improve our laws and to aid our needy. Many indigent, aged citizens are not now receiving aid sufficient to allow them to live in a status compatible with decency and health. This is the result of others not so needy being on the rolls and taking the funds available for the relief of these deserving citizens. I recommend that a careful and faithful study be made of our social security laws and its administration to the end that we may meet the call from our aged, needy and dependent citizens substantially and courteously.

UNEMPLOYMENT COMPENSATION

During the period of postwar readjustment, our State Unemployment Compensation Law will play a major role, and for the hundreds of thousands of workers who are now gainfully employed in war industries, but who may be laid off and unemployed during industry's reconversion and readjustment to peacetime production, it must serve as an effective "first line of defense." During the months after victory has been won, our unemployment compensation program will be put to a severe test. In order that we meet that test and

have an unemployment compensation program adequate from every standpoint to meet the challenge of the postwar years, our unemployment compensation reserve fund must be solvent, the coverage and benefit provisions of our law should afford the maximum of protection consistent with the economy of our State, and the administration of the law should be simplified and made effective to handle the tremendous administrative load of postwar benefit payments.

I recommend to the General Assembly that a careful estimate respecting the solvency of the State's Unemployment Compensation Fund be made, and if you believe the fund to be inadequate, that legislation requiring higher wartime contribution rates, which expire June 30, 1945, be simplified and continued; that a careful review be made of the coverage and benefit provisions of our law with a view to making such improvements as will afford maximum benefit protection to unemployed workers; and, that wherever possible, administrative procedures be streamlined and simplified to the end that we may be assured of maximum speed and efficiency in paying benefits under the peak load conditions of the postwar period.

CHILDREN'S CODE

I suggest that you give consideration to legislation authorizing the creation of a Children's Code Commission for the purpose of studying the needs of revising our laws pertaining to the welfare of neglected and delinquent children.

EDUCATION

Only through an enlightened citizenship can our State advance. We must educate our children and enact legislation for the benefit of our elementary and high schools and for our institutions of higher education.

Many of our men and women have had their education interrupted by reason of military service. I consider it the duty of the State to give them the opportunity to complete their education and rehabilitate themselves in gainful occupations. Our present school system should be adjusted to care for these returned war veterans who will have sacrificed so much for our country. Legislation, if necessary, should be

enacted to prepare our schools for assisting these men and women in finding their place in normal civilian life.

FEDERAL LOANS

The Federal Congress has passed the Servicemen's Readjustment Act of 1944, commonly referred to as the G. I. Bill of Rights. State banks and trust companies apparently have sufficient legislative authority to carry out the purposes of this act. However, legislation may be necessary to remove the present statutory restrictions applicable to savings banks and safe deposit institutions, mortgage loan companies, building and loan associations and insurance companies to enable these institutions to come under the provisions of this act. Since thousands of veterans have been and are being discharged in Missouri all possible steps should be taken to facilitate and expedite the making of loans by our lending institutions to deserving veterans under this act.

SURPLUS PROPERTY

There is available to the State of Missouri from various agencies of the Federal government certain materials, supplies and equipment which are known as surplus property. This surplus property can be used by the State, its institutions, agencies and political subdivisions. Missouri has no statutory authority to receive or accept this surplus property. If Missouri is to participate in this program then proper legislation must be enacted.

Your attention is also directed to the War Mobilization and Reconversion Act of 1944, which authorizes the Federal Works Administrator to make advances to states, their agencies and political subdivisions to aid in financing the cost of plan preparation preliminary to the construction of public works, and I recommend that legislation be enacted to take advantage of this law.

AVIATION

We must anticipate, because of the immense impetus given to the development of aviation by this war, that the postwar period will bring to this nation a phenomenal develop-

ment of peacetime, commercial aviation. Missouri must be in the lead in the recognition of this development. I recommend the enactment of legislation to insure adequate laws for the establishment, zoning, and regulation of airports and for the development of aviation facilities and traffic.

HIGHWAY CONSTRUCTION

Under an act, recently passed by Congress and signed by the President, which became effective in December, there will be available to Missouri in the postwar period for highway purposes approximately $43,000,000.00. One of the requirements of this Federal Act is that the money be matched on a fifty-fifty basis by the state or local subdivisions.

It is my information that the State Highway Commission has a backlog in excess of $12,000,000.00 which, with the anticipated highway funds for 1945 and 1946, will enable the Highway Commission to obtain from the Federal Government approximately $14,000,000.00 each year for 1945 and 1946.

This Federal Act will involve more money than has formerly been available from Federal sources and I suggest that your appropriations be made with this in view.

I direct your attention to the fact that 54% of Missouri farmers still live on dirt roads. Our present highway system should be extended and roads constructed so this large number of Missourians may have access to improved roads.

AGRICULTURE

There must always be steady progress in agriculture, the primary source of the wealth of our State and the basis for the livelihood of most of our people. Soil and water, forests and other renewable natural resources, must be conserved and their uses improved. Even though Missouri farm products are now generally of the highest quality, we should look toward greater improvement. We must strive to maintain equality between producer and consumer, and utilize every means to enhance our competitive position in the markets of the country. We should encourage all responsible organizations and movements devoted to the welfare of agriculture. Research for the better use of the soil and its products, the

teaching of progressive and practical advancements in agriculture must always be encouraged and stimulated.

All of these basic conditions for prosperous farming are of vital interest to this State and are of vital concern to this administration. They can be assisted by your legislative action.

FLOOD CONTROL

Missouri is one of the states in the Missouri River Drainage Basin, and, therefore, has a vital interest in the Federal Government's plan for utilization of the water resources of the Missouri Valley and for related developments and improvements. The 1944 Federal Flood Control Act enacted only a few weeks ago carries authorization for a vast program of improvements for flood prevention, irrigation, navigation, electric power generation, and other applications of controlled water for the benefit of the people. This involves construction of dams, reservoirs, irrigation works, levees and other projects. The possibilities offered by this program for stabilizing and improving the economy of our State and for opening up postwar jobs and business opportunities for our citizens merit your consideration. The flood prevention feature of this valley-wide program is of high importance to the people of Missouri.

This should be carried out in a way that will bring the greatest benefits to our State, to the region and to the nation as a whole, and, therefore, it is suggested that this General Assembly give this entire subject its serious consideration, and if necessary enact legislation to cooperate with the Federal government.

INTERSTATE COOPERATION

We number our neighbors now, not by the families who live next door, on the adjoining farm or in the same apartment building, but by states and even nations. Missouri has been backward in some of her laws permitting cooperation between states, and I recommend that this General Assembly study needed legislation to permit Missouri to cooperate with her sister states and to join in councils of states on matters of vital interest to all.

CONCLUSION

I realize full well the responsibilities, trials and ambitions which you as legislators have. For years I have faced the problems which you are now facing. It has been my privilege in both the House and in the Senate to sit in the councils of the committees and to work with the members. I know most of you personally and have worked with you on various problems of the State. As a former member of the appropriations committee I know of the demands that pressure groups will make upon you. I am pledged to the people of Missouri to see that we have an economical as well as an efficient administration and I intend to keep that pledge. With your help we can give the State a government of the highest type, without impairing the efficiency of the service.

If occasion should arise where I can be of assistance to you, I trust you will feel as free to call upon me as I want to feel in discussing matters with you. Together we can form a team of the executive and legislative branches which will inspire in the minds of the people confidence in and respect for government.

And now, as we enter this biennium with all its tasks, its problems and its opportunities, let us enter it together, knowing that while we are assembled here our sons, our daughters, our kinsmen and our friends are giving their lifeblood that we may enjoy free government. Let us vow with each other that we shall be true to them. Let us forget prejudices and petty issues, and devote our energies to the imperative needs and problems with which we are confronted.

To this end, and because through the progress which we initiate, our returning sons and daughters may find the fullest economic opportunity awaiting them in their old home State, I pledge to you my fullest cooperation, my best wishes and my friendship.

[PHIL M. DONNELLY.]

FIRST BIENNIAL MESSAGE

JANUARY 8, 1947

From the Journal of the House of Representatives, pp. 15-27

To the Senate and House of Representatives of the Sixty-fourth General Assembly:

In my inaugural address, delivered to the members of the Sixty-third General Assembly two years ago, I urged that the executive and legislative branches of the State government work together as a team to accomplish our tasks. I repeat that proposal today and pledge again my fullest cooperation in promoting a sound and business-like administration of the affairs of this great State. Let us advance the interests of Missouri in the days to come in that spirit of mutual helpfulness.

Under the Constitution, at the commencement of each session of the General Assembly it is the duty of the Governor to give to the General Assembly information as to the state of the government and also to recommend for consideration such measures as he shall deem necessary and expedient. In accordance with that mandate I wish to submit the following information, and to make certain suggestions and recommendations.

REVENUE

The State of Missouri is in a sound financial condition. The cash balance in the State Treasury as of June 30, 1946, was $22,475,720.81; the estimated receipts for the fiscal year ending June 30, 1947, are $82,531,070.00, making a total of $105,006,790.81. There was paid out of the 1945-1946 appropriation during this fiscal year $1,483,366.19; there was transferred to the post war fund during this fiscal year $12,000,000.00; the appropriations for 1946-1947 out of the general revenue fund amount to $49,438,162.43; the estimated amount set aside to the school fund is $27,405,690.00, making a total of $90,327,218.62, which deducted from $105,006,790.81 will leave an estimated balance as of June 30, 1947, of $14,679,572.19.

While the cash balance in the State Treasury in all funds on December 31, 1946, was $84,809,967.89, it must be remembered that most of this is already earmarked, and that the cash balance to the credit of the Revenue Fund on that date was $13,181,353.95.

The present estimate of State revenue for the 1947-1949 biennium, as compiled by the Budget Department from estimates of revenue submitted by the various collecting agencies, is $103,316,344.05. The budget has not been finally approved, but it has been tentatively approved for $101,892,916.00.

POST WAR FUND

With reference to the post war fund, there was a balance as of June 30, 1946, of $18,000,000.00. The transfer to this fund from the State Revenue Fund during this fiscal year of $12,000,000.00, makes a total of $30,000,000.00. Appropriations in the sum of $6,829,500.33 were authorized out of this fund; there was also transferred from this fund to the County Aid Road Fund $2,000,000.00, making a total of $8,829,500.33. This leaves an estimated balance in this fund as of June 30, 1947, of $21,170,499.67.

I recommend that the General Assembly resist all efforts to raid this surplus fund. It should be preserved as a sacred trust against the day of need and the unforeseen emergencies of the future.

HIGHWAY FUNDS

Under the provisions of the Federal Aid Highway Act of 1944, approximately $28,750,000.00 was made available for the two years following July 1, 1945. Approximately $4,500,000.00 available from previous appropriations, not expended because of wartime restrictions upon construction, increased the total available Federal funds to $33,250,000.00. By January 1, 1947, this amount was reduced to approximately $25,250,000.00 by construction work amounting to $16,000,000.00 and requiring the use of $8,000,000.00 Federal funds. The present balance of $25,250,000.00 must be matched by the State. Another $14,000,000.00 of Federal funds will become available July 1, 1947, which also must be matched by the State, making a total to be matched of $39,250,000.00. Because of Federal restrictions upon construction and shortages

of labor and materials, construction was almost completely abandoned during the war, resulting in the accumulation of a reserve fund of about $18,500,000.00, which is now available to match Federal aid funds. Only the existence of this reserve fund will enable the State to match Federal funds during the biennial period beginning July 1, 1947, as net highway revenues will not be sufficient for that purpose.

RECOMMENDATIONS

I call your attention to Section 25, Article IV, of the 1945 Constitution which reads as follows: "Until it acts on all the appropriations recommended in the Budget, neither House of the General Assembly shall pass any appropriation other than emergency appropriations recommended by the Governor."

In view of the fact that the Sixty-third General Assembly made no appropriation for the contingent expenses of the Sixty-fourth General Assembly for the period commencing January 8, 1947, and ending June 30, 1947, I recommend that there be appropriated out of the State Treasury, chargeable to the General Revenue Fund, for the expenses of the Senate of the Sixty-fourth General Assembly for the period January 8, 1947, to June 30, 1947, inclusive, the sum of $50,000.00; and for the contingent expenses of the House of Representatives of the Sixty-fourth General Assembly for the period January 8, 1947, to June 30, 1947, inclusive, the sum of $75,000.00.

Numerous suggestions have been made by various departments of the State government with reference to changes in the statutes relating to their respective departments. It is anticipated that many of the suggestions will be submitted to you for your consideration and such, if any, action you may deem proper. As many of these suggestions are detailed and would require much time for discussion, no further mention of them will be made in this message.

In view of the fact that I made a number of suggestions to the Sixty-third General Assembly in messages in regard to corrections which should be made in the statutes enacted by that General Assembly, I respectfully call your attention to those messages with recommendation for such action, if any, as you may deem proper.

BUILDING PROGRAM

As a member of the State Senate of the Sixty-second General Assembly, I introduced Senate Bill No. 121, providing for the erection and construction of a State Office Building in Jefferson City, Missouri, in order that suitable office facilities might be available for the various branches of the State government. A number of the members of the Sixty-fourth General Assembly were members of the Sixty-second General Assembly and voted for that bill. Additional office space was necessary at that time due to the fact that the employees of the Unemployment Compensation Commission were housed in a building that was not satisfactory, and a number of other departments of the State government were housed in buildings in Jefferson City for which they were paying rent. Those conditions have become more critical since 1943. I, therefore, recommend that this General Assembly appropriate sufficient funds for the erection of a State Office Building in Jefferson City, Missouri, in accordance with the provisions of Senate Bill No. 121 of the Sixty-second General Assembly, found in Laws of Missouri, 1943, at pages 825 to 830, inclusive.

I recommend that this General Assembly consider the erection of an appropriate Memorial Armory building in Jefferson City, Missouri, to provide for State military needs and to contain a museum to house the standards, colors, trophies, records, relics, and mementos of all past wars in which Missouri citizens have been engaged. Such a structure, noble in design and adequate to its purpose, will be a fitting tribute to our heroic dead, while serving the practical purposes of the present and the future.

The Sixty-third General Assembly enacted Senate Committee Substitute for Senate Bill No. 44, providing for the appointment by the Governor of a commission to make a study of the facilities of the Missouri State School at Marshall; to study the proper type of building or buildings for that institution; to consider the acquisition of an additional site for another institution to be established for similar purposes; to study the proper type of building or buildings to be erected on said additional site; to determine the cost of constructing and equipping such institution or institutions; and requiring

a report of such study to the Governor and the General Assembly and providing for recommendations by the Governor.

A report of the study of the Missouri State School by the commission so appointed was made, printed, and delivered to the members of the Sixty-third General Assembly. Copies of this report will be delivered to the members of the Sixty-fourth General Assembly. A survey of the buildings at the Missouri State School at Marshall has also been made by the Director of Public Buildings. I suggest that you give serious consideration to the recommendations contained in the report of the committee appointed as aforesaid, and also the report of the Director of Public Buildings, and I recommend that appropriations be made by this General Assembly for the construction of buildings recommended in said reports.

ELEEMOSYNARY INSTITUTIONS

In my inaugural message to the Sixty-third General Assembly I stated:

> "Many problems arise from the operation of our eleemosynary institutions. They are the fault of an antiquated system. Some of the problems have existed for years. Overcrowding, limitation of vitally needed facilities, underpaid and inadequate staffs, all add to the problem confronting us in the administration of eleemosynary affairs.
>
> "We may soon be called upon to distinguish between custodial care for senile patients and the necessity of emphasizing curative treatment for those who may be completely restored to mental health. . . . I suggest that this General Assembly, through appropriate committees and with the assistance of the Committee on Legislative Research, make a factual study of the administration and operation of the penal and eleemosynary institutions to the end that legislation may be enacted to remedy conditions found to exist."

No such factual study was made.

Our State hospitals are overcrowded and have waiting lists. An appropriation will be requested of this General Assembly for infirmary buildings at State Hospital No. 2 at St. Joseph; State Hospital No. 3 at Nevada; and State Hospital

No. 4 at Farmington. These requests for appropriations for additional infirmary buildings emphasize what I stated in my inaugural message, "We may soon be called upon to distinguish between custodial care for senile patients and the necessity of emphasizing curative treatment for those who may be completely restored to mental health." Before these appropriations are made, I recommend a re-study of the entire State Hospital situation. Said study should include the manner of admission of patients to such institutions; staffing of such institutions, as to their attendants and physicians; information in regard to the physical set-up of the institutions, including the adequacy or inadequacy of buildings and equipment; in fact, a general survey of the institutions. One of the present causes of the overcrowded conditions at our hospitals is the practice of sending senile people to these institutions who are not mental cases as such and who formerly were kept in county homes. This has been done to a great extent by the counties because they have been able to send these people to the State Hospitals at a cost of $6.00 per month per patient. This present cost of $6.00 per month to the county represents only a small fraction of the actual cost and is cheaper than the county itself can support them. This has resulted in overcrowding the State Hospitals and has caused long waiting lists of patients, some of whom are genuine mental cases who might possibly be cured if they could be received and treated in a State Hospital.

I recommend that this General Assembly amend Section 9328 of the Revised Statutes of Missouri, 1939, as amended by Senate Bill No. 284 of the Sixty-third General Assembly, by striking out the provision of $6.00 per month per patient contained therein and inserting in lieu thereof the sum of $25.00 per month per patient, or some amount that will be more in proportion to the actual cost of maintaining a patient in the State Hospitals.

I believe that drastic changes should be made in the operation of our State Hospitals to the end that they cease to be custodial institutions for senile people and that more emphasis be laid on treating those who are mentally ill.

I recommend that serious consideration be given to amending the law in regard to the qualification of the superintendents of the State Hospitals. The present law requires

the superintendents to be skilled in the practice of medicine and in the treatment of mental diseases. The superintendents also have complete charge, control, and management of the entire institution. It is doubtful whether a physician who acts as superintendent should also be the business manager. I believe the business management of each hospital should be in charge of a layman, and each physician should give his entire time and attention to the patients.

It is my intention to approve appropriations for necessary additions, repairs, replacements, and for operations, in order to improve the State Hospitals.

TRAINING SCHOOLS

In order to make possible a modernization in buildings, equipment and program at the Training School for Girls at Chillicothe, the Training School for Negro Girls at Tipton and the Training School for Boys at Boonville, I offer the following suggestions for your consideration:

At the present time there are thirty-one (31) girls at the Training School for Girls at Tipton. At times there have been less than this number. I suggest that the Negro girls at this institution be transferred to the Training School for Girls at Chillicothe. Housing facilities for these girls at the Training School for Girls at Chillicothe can be provided at a cost to the State that will not be excessive.

The Training School for Boys at Boonville is situated on 603 acres of land already owned by the State. It has one of the most outstanding dairies in the State. There are several usable buildings, including a fine gymnasium. Some of the present buildings could be economically remodeled for vocational and other uses; others could be eliminated entirely and it is my thought that with a minimum expenditure this institution could be modernized for the older juvenile group of boys.

It is my conviction that the institutions for the younger boys and the older boys should be separate, and the younger boys completely separated from the influence and contacts of the older boys. It is my opinion that the older boys should be kept at the Boonville institution and this institution modernized for this purpose; and the institution at Tipton should

be modernized in every particular and the younger boys transferred to this institution.

In offering these suggestions I have considered the type of children who are committed to the Training School for Boys at Boonville. They range from children of eight and nine years of age who are committed primarily because of neglect in their homes. These children are not essentially incorrigible but need the guidance and the discipline comparable to that of a model home life. At the other extreme are boys sixteen to seventeen years of age, who, because of a lack of training have become potential criminals. It is impossible to adjust many of them to normal social attitudes.

With reference to the boys who would be committed to the Tipton institution, it might be advisable to amend our laws so that those committed to the Tipton institution would be on an indeterminate sentence, and that the maximum commitment age to the Tipton institution would be placed at thirteen or fourteen years of age.

At present there are 365 boys at the Boonville institution. There were as many as 491 at one time last year. On the present basis this would mean there would be approximately 100 boys transferred to the Tipton institution and there would be approximately 265 boys remaining at the Boonville institution.

I realize that a new power plant and other improvements are needed at the Boonville institution, but this expenditure will be necessary regardless of what this institution may be used for.

I believe that great good can be accomplished by some practical arrangement as above suggested and it will not involve an unreasonable expenditure of money.

I recommend that legislation be enacted authorizing the Director of the State Board of Training Schools, with the consent of the Governor, to transfer to the Penitentiary or to the Intermediate Reformatory for Young Men at Algoa inmates of the Training School for Boys at Boonville, who, subsequent to their committal to that institution, shall become incorrigible and whose presence in the institution appears to be seriously detrimental to the well-being of the other inmates of the institution. Each person so transferred to the Penitentiary or to the Intermediate Reformatory for Young

Men should be kept there subject to the rules and discipline thereof until they become eligible for release.

Our present statutes in regard to inmates escaping from the penal institutions of this State are inadequate. Sections 4306, 4307, and 4308, Revised Statutes of Missouri, 1939, govern inmates escaping from the penal institutions. The present statutes do not make it a crime to escape from Algoa, the Training Schools for Girls and the Training School for Boys. In view of the present statutes it is impossible to extradite an inmate from another state to which he or she has fled. I recommend that legislation be enacted to broaden the scope of the present statutes so that they will include the escape of any inmate from the State Penitentiary, Prison Farms, Intermediate Reformatory for Young Men at Algoa, Training School for Girls at Chillicothe, Training School for Negro Girls at Tipton, and the Training School for Boys at Boonville, either while confined therein or while permitted to be at large as a trusty. If it were made a crime to escape from any of the institutions above mentioned I believe many escapes would not be undertaken.

UNIFORM STATE LAWS

I recommend that the General Assembly give careful consideration to the uniform or model acts which were tentatively approved by the Missouri Commissioners at the National Conference of Commissioners on Uniform State Laws which was recently held at Philadelphia. I direct attention to the fact that the General Assembly should study the enactment of uniform legislation in order that Missouri may cooperate with her sister states and join with the Council of State Governments on matters of vital interest to all.

FLOOD CONTROL

In a message to the Sixty-third General Assembly I called to the attention of the General Assembly some of the problems that confront our State in connection with the development of the Missouri River Drainage Basin under the 1944 Flood Control Act of Congress. It was mentioned then that the progress of the development by the Federal agency would bring possibilities and opportunities for post war jobs as well as business opportunities for our citizens.

We are now in the post war period and I again recommend to you that you give consideration to the need for legislation that may be advantageous to our State in the carrying out of these plans for the development of the Missouri River Valley. During the past year the Federal government has initiated the construction of a number of dams in the upper areas of the Missouri River, some of them for irrigation and reclamation purposes as well as for flood control and navigation. The three major dams on the main course of the river are at Garrison in South Dakota and Oahe and Fort Randall in South Dakota. It is my understanding that the Federal agencies plan to carry out this work as rapidly as funds are provided by the Federal government for the construction of projects provided under the plan. As these works progress and are completed it will bring this comprehensive system nearer to our State. We should be prepared for this and our legislation should provide for securing all the benefits that may accrue to our State.

During the past year I have declined to approve the construction of four dams that were proposed for construction in this State. These were to be located at Pattonsburg, Hickory, and Osceola, which are in the Missouri River Drainage Area; and at Waco in Southwest Missouri, outside the Missouri River Drainage Area. I intend to approve the construction of the dam proposed on the Pomme DeTerre River.

There may be need for legislation on a statewide, comprehensive basis providing rights-of-way and easements for levees and other work along the rivers and streams in Missouri when it is proven that the construction of such works are to the advantage of our citizens as well as our neighboring states, and when it is shown that the overall benefits to be received from such developments are greater than the damage that would result from such construction.

Your attention is also called to the report of the committee of the Sixty-third General Assembly which made a study of the Tennessee River Valley and the Missouri River Valley. In that report, dated November 28, 1945, it is noted that this committee made recommendations for further study of the Federal plan for the development of the Missouri River Basin as provided for under the 1944 Flood Control Act, and found that there is need for basin-wide control, development,

and utilization of the water resources of the Missouri Valley. I recommend that you give consideration to the recommendations of that committee in connection with flood control problems.

It is suggested that this General Assembly give further serious thought to problems pertaining to the conservation of our soil, preservation of our wild life, adequate flood control, and the erection and maintenance of structures where necessary that will bring the greatest good to our State and enable us to cooperate with the Federal government in carrying out sound programs of flood control on our streams.

UNDERGROUND WATER RESOURCES

The underground water resources of Missouri are of vital importance to everyone, and the proper development and conservation of these resources is essential to the State's progress.

In certain localities, such as Columbia, Lebanon, Springfield, Carthage, Joplin, and Rolla, the existing ground water supplies have been developed to a point where detailed investigations should be made to determine what possible conservation measures should be taken to permit the fullest utilization of the available water.

In other localities, such as St. Clair, Fredericktown, Mansfield, Mountain View, Jefferson City, Sedalia, Warrenton, and Troy, it has not been possible to develop large supplies of ground water by established practices.

Only a few years ago it was possible to develop farm wells at shallow depths. With the modernization of farm houses and the greater use of water for livestock and dairies, farm wells are now being drilled to greater depths and in many areas existing farm wells have had to be deepened.

There are areas in the State, such as at Vandalia, Marshall, and in St. Louis County, where fresh waters are found at shallow depths, and sulfosaline waters at greater depths. In such areas there have been cases of contamination where the deeper waters rose in a well into the fresh water zones due to improper casing and plugging. In the mining district of southwestern Missouri artesian wells were not properly cased and tremendous water resources were lost through

pumping during mining. The State Geological Survey has accumulated much data on the occurrence of underground water and the Survey has been of great assistance to municipalities, industry, and agriculture in solving water supply problems. But with the ever-increasing demands for water, particularly by industry, there is now a greater need for expansion of the Geological Survey's ground water studies with the utilization of modern, specialized equipment and techniques. To this end I recommend the appropriation of funds necessary to inaugurate a broad program of research in ground water to permit the proper development and conservation of this essential natural resource.

FEDERAL FUNDS FOR AID TO THE NEEDY BLIND

Title X of the Federal Social Security Act, as amended, provides for grants to states for aid to the needy blind. Missouri is one of three states in the nation which does not qualify for aid to the blind under this Federal program. The Missouri Blind Pension program is operated entirely from State funds provided by a tax of three cents on the one hundred dollar valuation of all taxable property, and eligibility for pensions under this program is limited to those blind persons who are unable to distinguish the motion of a hand at a distance not greater than one foot from the eye. For those persons who meet this visual test and other requirements of the State law, a blind pension amounting to $30.00 per month is paid. There are many needy persons with impaired vision who are unable to earn a living, and who are known as the economic or industrially blind. These persons do not qualify for assistance under the State program, due to the requirement of almost total blindness. A Federal-State program of aid to the needy blind would provide grants to the industrially blind, as well as to those at present on State blind pension rolls, who could qualify on the basis of need, up to a maximum of $45.00 per month. Federal funds are available through the Social Security Administration on the same basis as for the old age assistance program. The Federal government will pay $10.00 of the first $15.00 granted to a person qualifying for aid to the blind and will match state funds thereafter up to a maximum of $45.00. In other words, on

a $45.00 grant, the Federal government would pay $25.00 and the State's share of the grant would be $20.00. I recommend that the Sixty-fourth General Assembly enact legislation that will enable the State of Missouri to qualify for Federal aid to the needy blind under Title X of the Social Security Act, as amended.

The Sixty-third General Assembly enacted House Bill No. 190 amending Section 9452, Revised Statutes of Missouri, 1939, providing that blind persons shall receive a pension of $360.00 per annum payable monthly, and providing that after June 30, 1947, said pension shall be $300.00 per annum payable monthly.

If this General Assembly does not enact legislation to enable the State of Missouri to qualify for Federal aid to the needy blind, as above suggested, then I recommend that the proviso in Section 9452 be amended to extend after June 30, 1947, to such time as the General Assembly may deem advisable.

ADMINISTRATION

Due to a change in Federal legislation which became effective October 1, 1946, the Division of Welfare will receive approximately $100,000.00 less Federal money for administrative expenses during this fiscal year than was anticipated when the Sixty-third General Assembly passed the administrative appropriations. This presents a serious problem with respect to administration of the welfare programs. The reduction in Federal funds for this fiscal year will necessarily curtail the services which the Division of Welfare can render to the needy aged, dependent children, and those on relief rolls. It is my recommendation that the Sixty-fourth General Assembly provide additional funds for administration of the welfare programs for this fiscal year in an amount which will give the Welfare Division as much money for administration as would have been received had there been no change in the Federal Social Security Law.

AID TO DEPENDENT CHILDREN AND GENERAL RELIEF

Appropriations for aid to dependent children and general relief for the current fiscal year are not sufficient to meet in full the needs of persons eligible for assistance under these

programs, and consequently it has been necessary to reduce monthly grants for such persons to a point far below the amounts determined to be needed on a basis of decency and health as provided by State law. I recommend that the Sixty-fourth General Assembly give serious consideration to an appropriation for additional funds for this fiscal year to enable the Division of Welfare to meet the needs of dependent children within the limits of the maximum grants established by Federal and State statutes, and to make grants to unemployable persons on relief rolls on a basis of decency and health as provided by State law.

ESCHEATS

In 1941 the General Assembly enacted a statute (Section 5985A, Laws of Missouri, 1941, page 396) which provided that all funds remaining in the hands of the Superintendent of Insurance from impoundments in any rate review case, the owners of which could not be found or located, should escheat and vest in the State of Missouri. This statute is effective as to any funds which are in the hands of the Superintendent of Insurance for distribution to policyholders. However, the statute is not broad enough to cover funds not in the hands of the Superintendent of Insurance and which belong to policyholders who cannot be located. There is now impounded in the Federal Court for the Western District of Missouri a large fund which has been adjudged by that Court to belong to the policyholders from whom it was collected. This fund is in the custody of a custodian appointed by the Federal Court, and said custodian is undertaking to locate the policyholders entitled to said fund and is distributing the fund under orders of the Federal Court. However, it is apparent from the fact that the rate litigation has been in progress in the Federal Court for nearly sixteen years and from the history of distributions of similar funds, that the custodian appointed by the Federal Court will not be able to distribute all of said fund. The result will be that there will be a large fund left in the custody of the Federal Court which belongs to parties who cannot be located.

The distribution of approximately $8,265,000.00 to the policyholders of Missouri began about August, 1944. At the present time the custodian of the fund for the Federal Court

has mailed checks to policyholders totalling approximately $5,000,000.00. Checks amounting to approximately $1,000,000.00 have not been cashed. There still remains approximately $3,000,000.00 which the custodian is now attempting to return to the policyholders. As time goes on it becomes more difficult to find the policyholders.

I am advised by the Attorney General that the common law on escheats in Missouri is not well enough defined to effect the escheating of this undistributed fund to the State of Missouri and also that the present escheat statutes of the State are not sufficiently broad to cover funds of the type now impounded in the Federal Court as above mentioned. Unless proper legislation is passed, I am advised that said funds may eventually be transferred to the United States Treasury and be lost to the State of Missouri. Since the fund was collected principally from citizens of Missouri and all from insurance business carried on in Missouri, this State should have first claim to such portion of said funds as cannot be returned to its proper owners.

In view of this situation, I recommend that the General Assembly enact proper statutes to provide for the escheating to the State of Missouri of funds such as those described.

STRIKES

During recent years labor has won many long overdue rights to which they were entitled. The right of employees in private industry to organize and bargain collectively through representatives of their own choosing is recognized by law and should be preserved. But all rights carry with them corresponding responsibilities and duties. Labor unions should recognize and live up to these responsibilities, and should be held legally responsible for their contractual obligations. In addition I recommend that legislation be enacted to prevent labor strikes which affect the lives, health, or safety of the general public, or challenge the sovereignty of the State government.

EMERGENCY APPROPRIATION

In view of the recent controversy which the State of Missouri has had with the Labor Department at Washington relative to the transfer of the Employment Services to Mis-

souri, I suggest that an appropriation be made to the Governor to be used for emergency purposes in case some department of the Federal government should arbitrarily cut off Federal funds from the State of Missouri, in which event this emergency fund so appropriated could be used to carry on the functions of State government until the controversy could be adjusted.

AGRICULTURE

I recommend that legislation be enacted revising our laws pertaining to the interstate and intrastate movement of livestock and poultry in order to cope with present day transportation methods. This State is serving as a dumping ground for diseased animals from border states due to some of the exemptions written into the present statutes. A strengthening of the quarantine provisions of our statutes, in order to exercise better control of the transportation and sale of diseased animals is desirable.

I suggest that funds be appropriated to the Agricultural Extension Service, the Agricultural Experiment Station, and the State Department of Agriculture, in order to permit these agencies to cooperate with the Federal government in a comprehensive and coordinated program of marketing research and marketing service under the provisions of Public Law 733, known as the Hope-Flannagan Agricultural Marketing Bill.

Soil improvement is a most important topic in the minds of farm people in Missouri today. All agencies, Federal, State, and private, should be urged to join hands with farm owners in this very successful program. Enabling legislation that will encourage or expedite such a program is timely.

It is recommended that further encouragement be extended to rural communities in the building and improvement of Farm-to-Market Roads. It is estimated that the volume of rural automobile travel in the United States will increase between forty and fifty per cent within the next fifteen years. Missouri should prepare for this expansion. Adequate funds should be provided by the General Assembly to implement rural road building programs.

MOTOR VEHICLE LAWS

I recommend that Chapter 45, Revised Statutes of Missouri, 1939, relating to motor vehicles, be amended to provide

for the compulsory periodic inspection of all motor vehicles licensed and operated in the State of Missouri to determine the mechanical fitness of the vehicle and of the safety devises [devices] required, as set forth in Sections 8386 to 8390, inclusive, Chapter 45, Revised Statutes of Missouri, 1939.

I recommend that Chapter 45, Revised Statutes of Missouri, 1939, relating to the Motor Vehicle Law and the Driver's License Law be amended to provide that no license shall be issued to any applicant to drive a motor vehicle on the highways of this State who has not successfully passed a prescribed driver's examination.

In view of the fact that confusion exists in the definition of a chauffeur and a registered operator in Section 8372, as reenacted and Section 8373, Chapter 45, Revised Statutes of Missouri, 1939, I recommend that said statutes be amended so that the registered operators shall be included in Section 8372 which provides for the registration of chauffeurs, or that the registration of operators be discontinued and that those persons who now come under the provisions of Section 8373, Chapter 45, Revised Statutes of Missouri, 1939, be required to have only a driver's license.

I realize that some persons have criticized our Driver's License Law. They claim the present law has no "teeth." The fact is that the present Driver's License Law has provisions which are so strict that the prosecuting attorneys charge the violator with a lesser offense instead of enforcing the strict provisions of the statute. I know how difficult it was to pass the present Driver's License Law at the 1937 Session of the General Assembly. I believe that the present law can be so amended that better enforcement will result and that traffic accidents on the highways will be greatly reduced.

I suggest that serious consideration be given to a system of staggered permanent registration of motor vehicles. This will do away with a volume of registrations at the first of each year; reduce the cost of administration; and reduce the cost of materials used in processing the license tags.

EDUCATION

The condition of our schools should have the continuing concern of the General Assembly. The war created many

new problems for education. Many of our institutions of learning are crowded to capacity. Thousands of veterans exercising their rights under Federal legislation have returned to the classroom. Courses of study, instructional staffs, housing, and school facilities of all kinds have felt the impact of these conditions. Consideration should be given to the needs brought about by these conditions.

Under the authority of the 1945 Constitution, and Senate Bill No. 256 passed by the Sixty-third General Assembly, the supervision of instruction in the public schools of Missouri is now vested in a State Board of Education. One of the duties of that Board, as provided in said bill, is "to cause to be assembled such information relative to the public schools in the State as will reflect continuously their condition and management." This Board of Education is now functioning and will, no doubt, submit reports of its studies. It is recommended that the General Assembly consider these reports and initiate such action as may be deemed appropriate and necessary to the end that education in Missouri may be kept abreast of the times.

VETERANS

Missouri's concern for the war veteran is evidenced by the manner in which State resources, facilities, and institutions have been made available in programs of assistance, guidance, and training. Service officers throughout the State maintain contact with the veterans of their locality and thousands of them have been aided in securing all the benefits which have been granted to them by Federal law. Personnel of various State departments and institutions are giving of their time and effort on behalf of the veteran. All of these State agencies and employees cooperate fully with Federal agencies, departments, and bureaus and with veterans organizations, in plans and programs of mutual assistance for the veteran's benefit. These efforts should be continued and should be adequately supported.

CONCLUSION

In submitting the information, suggestions, and recommendations contained in this message to the members of the General Assembly, I am deeply conscious of our joint respon-

sibility to the people of Missouri. They have elected us to serve them during a crucial and most important period in our history. If their welfare and the further advancement of this great State motivates our deliberations and actions, and if we strive together to promote the interests of Missouri and its citizens, surely we can make the coming months a time of real achievement. In that spirit, I extend once more to the members of the General Assembly the hand of fellowship and of friendship. In the words of a great statesman, let us do the right as God grants us to see the right, and let us be content with nothing less than our best efforts on behalf of the State we all love.

PHIL M. DONNELLY,
Governor.

January 8, 1947.

SECOND BIENNIAL MESSAGE

JANUARY 5, 1949

From the Journal of the Senate, pp. 19-34

To the Senate and House of Representatives of the Sixty-fifth General Assembly:

The Constitution requires the Governor at the close of his term of office to give to the General Assembly information as to the state of the government and also to recommend for its consideration such measures as he shall deem necessary and expedient.

It is in the discharge of this constitutional duty that I submit to you the following information, suggestions, and recommendations:

The State of Missouri is in a sound financial condition. The cash balance in the State Treasury in the General Revenue Fund as of December 31, 1948, was $21,750,000.00. The balance in the Post War Fund as of that date was $29,202,-152.00. The major part of this Fund is earmarked for the construction of buildings at the State educational, penal, and eleemosynary institutions. However, it is anticipated there will be a balance in the Post War Fund as of June 30, 1949, of approximately Ten Million Dollars.

No reference to the executive budget will be made in this message. In any year in which a governor-elect assumes office, the budget shall be the budget of the new Governor and shall be submitted to the General Assembly by him. This is required to be done within thirty days after the General Assembly convenes in each regular session.

When I assumed the duties of Governor we were in the throes of World War II. It was terminated during the year 1945. Its termination imposed many additional duties and obligations upon the Governor and departments of the State government.

In 1945 a new Constitution for Missouri was adopted by the qualified voters of the State. This imposed many additional duties upon the Governor and the General Assembly.

It was necessary for the General Assembly to repeal or amend many sections of our statutory laws in compliance with the provisions of the new Constitution; also, in many instances new legislation was necessary. As a result there were over one thousand laws enacted to implement the new Constitution. This is a matter of record and time and space in this message will not permit comment in regard to all such legislation. However, it is proper to say that although new departments of the State government were created and other departments were consolidated or abolished, the regular business of the State was carried on during all the period that such changes were being made.

Now that the reorganization of the State government has been completed it is my opinion that with adequate appropriations and adequate trained personnel the departments of the State government will be on a more efficient and economical basis and much benefit will be derived by the taxpayers by reason of the adoption of the new Constitution.

In my message to the Sixty-third General Assembly January 8, 1945, with reference to requests for new buildings and repairs for buildings already erected at the State institutions, I made the following statement:

> "I recommend for your consideration the establishment of a State agency . . . where experienced personnel would have charge of the erection of new buildings and the repairing and remodeling the buildings already erected. In this way institutions which are in need of new buildings or which have buildings in need of repair will be able to have this done and the unneeded construction of buildings will be prevented. It will also stop the practice of institutions coming before you competing with each other for new buildings."

Such a State agency has not been created. The State is now engaged in a building program at Missouri University, Lincoln University, the Teachers Colleges, the State Colleges, and the eleemosynary and penal institutions. Appropriations have been made for the construction of buildings at these institutions. However, at the eleemosynary and penal institutions there is no definite authority provided by law to secure architectural services, let contracts, and supervise the con-

struction of said buildings. The State Purchasing Agent has no authority to negotiate contracts for the construction of buildings. I recommend that a building commission be established with definite authority provided by law to secure architectural services, let contracts and supervise, through the director of the Division of Public Buildings, the construction of new buildings at the eleemosynary and penal institutions. Also, that the office of the Purchasing Agent be utilized in the advertising for bids and the awarding of contracts under the direction of the building commission.

Advertising for bids for public buildings is controlled by Section 14939, Revised Statutes of Missouri, 1939. This section should be amended so the cost of advertising for bids may be decreased and a larger number of contractors be given notice not only through newspapers but also through recognized and established trade publications.

In January, 1945, the buildings and physical property at the State institutions and farms were badly in need of repair. Much improvement has been made and I feel that the buildings and other physical property at the institutions and farms are in a good state of repair and that the appropriations for this purpose have been well spent.

New buildings have been constructed or are under construction at the following institutions on which full detailed information may be obtained from the Director of Public Buildings:

Occupational Therapy Buildings are under construction at each of the four State Hospitals; Infirmary Buildings at two of the State Hospitals; a new well has been completed at one Hospital and a well has been contracted for at one other Hospital; staff cottages are either completed or under construction at two of the Hospitals; farm buildings, including calf barn, farm dormitory, and dairy farm residence, are being constructed at two Hospitals; store buildings are under construction at two Hospitals; a garage and machine shop has been completed at one Hospital; fireproofing one building at State Hospital No. 4 is under construction; a contract has been let at Hospital No. 3 for alternations to the Power Plant Building; Hospital No. 4 has completed an addition to their Sewage Disposal Plant and work is progressing on utility

tunnel and lines; additional farm lands have been acquired at all four Hospitals.

Dormitories are under contract at the Missouri State Schools and the State Sanatorium at Mt. Vernon.

At the Southwest Missouri State College, Springfield, two boilers and steam main have been installed; contract has been let for girls' dormitory. At the Southeast Missouri State College, Cape Girardeau, a dormitory and a service center have been completed. At Central Missouri State College, Warrensburg, a men's dormitory has been constructed and a recreation and physical education building is under construction. At Northwest Missouri State Teachers College, Maryville, the heating system has been reconditioned. At the Northeast Missouri State Teachers College, Kirksville, two girls' dormitories are nearing completion and one boys' dormitory under contract; library building and boiler room repaired; lighting system improved.

At the University of Missouri, Columbia, additions and alterations have been completed to the Veterinary Science Building; a Veterinary Printing Building has been constructed; Women's Dormitory is under construction with cafeteria already completed; South Dormitory under construction; five buildings have been completed at the State Forestry Camp. The following projects have been completed: residence on South Farm; Garage Warehouse; Underground Electric Distribution Center; Climatic Laboratory; Residence and Seed House at Field Crops Experimental Farm at Sikeston; Underpass for Students under 9th Street in Columbia; Football field at the University.

At the School of Mines and Metallurgy, Rolla, power plant constructed, generators purchased but not installed; Chemistry Building constructed, and contract let for men's dormitory.

At Lincoln University, Jefferson City, one Library Building is under construction.

The Training Schools at Boonville and Chillicothe are constructing dormitories and repairing or building boiler houses; a reception cottage is under contract at Boonville and work is under way on the construction of an additional unit to the present Administration Building.

The construction and equipping of a Diesel Electric Plant at the State Penitentiary is eighty-five per cent complete; at the Intermediate Reformatory a dairy barn and two silos have been completed; a machine shed and slaughter house have been constructed without cost to the State except for the roofing; two barns, two corn bins, three stock sheds, and a machine shed have been constructed at the Church Farm at little cost to the State other than the metal roofing.

Major repairs consisting of reroofing of the main buildings at the Church Farm, reroofing of the wall towers, the chair factory, and the school building at the Penitentiary; reroofing of the dairy barn at the Intermediate Reformatory; a new cooling unit was installed in the dairy at the Intermediate Reformatory, and windows and doors were installed in one of the dormitories; roofing is on order for the mule barn at the Intermediate Reformatory.

All of the buildings within the Division of Penal Institutions are in a good state of repair insofar as general building maintenance is concerned. There are some of the factory buildings, those in the stockade and the furniture factory, which are in such condition that they are beyond much improvement by general maintenance repairs. These particular buildings should be torn down and modern factory buildings constructed to replace them.

The Sixty-second General Assembly authorized the construction of a new State Office Building in Jefferson City (Laws of 1943, page 825). The Sixty-fourth General Assembly appropriated Two Million Dollars for the construction of such building (Laws of 1947, Vol. 2, page 199). I approved this appropriation but in so doing pointed out that that part of the section which attempted to fix the location of such building on the "State-owned property east of the State Capitol Building on the north side of Capitol Avenue" was unconstitutional in that it was an attempt to legislate in an appropriation bill. As the appropriation did not provide for the purchase of a site and as I was opposed to the erection of the building at the location designated in the appropriation bill, no action has been taken on this appropriation.

The site for the new office building has not yet been determined. I recommend that consideration be given to the establishment of the new building by the use of the present

State Highway Building and extensions and additions thereto, that appropriate transfer of funds be made from the post-war reserve fund to the State Highway Department fund, and that the State Highway Commission be authorized to purchase a site and to construct a new State Highway Building thereon.

After the new building has been completed, I recommend that the building occupied at this time by the Public Service Commission be torn down, in accordance with the agreement made at the time the State acquired said building.

For the accomplishment of these purposes, general legislation, as well as appropriation acts, will have to be enacted by the General Assembly.

During the fiscal period ending June 30, 1953, approximately $45,000,000 will be available to the State under the provisions of the Federal-Aid Highway Acts of 1944 and 1948. These funds must be matched with State funds and are required to be expended for construction as follows: 45% on the primary Federal-aid system, 30% on the Federal-aid secondary system (supplementary State highways) and 25% upon the Federal-aid urban area system (cities of 5,000 population or more). State highway revenues resulting from existing sources and present rates of levy will not be sufficient to enable the State to match all Federal funds available and, therefore, additional State funds must be provided to prevent the loss of a substantial portion of the Federal allotment.

The State highway system now consists of approximately 17,550 miles, of which 9,100 are supplementary highways. The State Highway Commission has full authority, under the provisions of Section 32, Article 4, Constitution of 1945, and Sections 8767 and 8773, Revised Statutes of Missouri, 1939, to determine the type and character of construction of all state highways and to build supplementary state highways of either a high, intermediate, or low type depending upon the volume and kind of traffic they are expected to serve. Under the Constitution the number of additions to the supplementary State highway system in each of the counties is contingent only upon funds available or which may be made available by the General Assembly. In my opinion, the present laws relating to the commission's authority are adequate and all that is necessary to enable the commission to accelerate the

construction of all types of supplementary state highways is to provide it with additional funds. Therefore, I recommend that the General Assembly consider increasing state highway revenues both for these purposes and to avoid the loss of the Federal funds mentioned above.

Under the provisions of the County Aid Road Law (Laws of 1945, page 1471, as amended Laws of 1945, page 1502, and Laws of 1947, Volume 2, pages 350 and 352), $10,000,000 was transferred from the Post-war Reserve Fund to the County Aid Road Fund and $2,000,000 was appropriated for each of the fiscal years 1947-1948 and 1948-1949. In the first year's program $1,498,945.50 was expended upon 1,015 projects, totalling 2,776 miles, in 102 counties, and apparently the program for the current fiscal year will utilize about the same amount. Reappropriations by this and subsequent General Assemblies of all unexpended balances in appropriations for county aid roads will be necessary if the entire original $10,000,000 is to be expended for these purposes, and the program can thus be extended from five years into a six-year program.

It is my belief that there are too many local subdivisions engaged in the construction and maintenance of roads in Missouri, involving inefficient administration, untrained personnel, and duplication of effort and equipment. The number of such agencies should be greatly reduced.

In my opinion, the State Highway Commission should be made responsible for supervising, directing, and controlling the construction and maintenance, by the local subdivisions, of all public roads outside the larger cities. Such supervision, direction, and control should be made more extensive than that provided for in the County Aid Road Law if the State and the local subdivisions are to receive the maximum benefits from the State Highway Department's experience and trained personnel.

I call your attention to the enormous loss which accrues to the State every year from soil erosion and floods. This loss seriously detracts from the economic well-being of the citizens of today and will be even more detrimental to the economy of future generations unless more adequate measures are taken to prevent it. In order to determine what measures are required it is necessary first to conduct technical and engineering studies of the problem. Accordingly this admin-

istration set up procedures and initiated those studies. The studies are based on the principle that soil erosion and flood problems are closely related and that measures for their prevention must be considered collectively. At the same time it is necessary to consider many other items such as minerals, forests, hydroelectric power, fish and wildlife, public health, recreation, and others. The studies are a cooperative undertaking on the part of the State and Federal governments. Every State and Federal agency having an interest in land and water resource development and conservation is participating. By conducting the studies in this manner we are assured that expert technical skill is available to solve the problems that exist.

Obviously it is impossible to conduct these studies over the entire State at once. Therefore, they are being carried out by stream basins. Studies have been completed in the Osage River Basin. A coordinated plan has been formulated which, if carried out, will greatly enhance the economy of the region by reducing soil erosion and flood losses and by the development of other resources. Studies are now in progress in the Grand River Basin. It is expected that a similar plan will be completed for that Basin by the summer of 1949. At the same time the plans will afford important reduction of floods on the Missouri and Mississippi Rivers.

I recommend that similar studies be conducted in other river basins of the State and that adequate appropriations be made for conducting the studies and carrying out the plans.

I recommend that the laws pertaining to mines and mining and the inspection of mines be revised and brought up to date in order that the life, limb, and health of those employed in and about the mines of this State may be fully protected. Also, that proper legislation be enacted governing lime mining and rock quarrying in order to protect employees in such mines from falling rock, bad air conditions, and other unhealthy or dangerous conditions in those operations as in other types of mining. Also, that provision be made for the inspection of such mines. There appears to be no statutory definition of what is included in the term "mines." This should be considered in revising these laws.

It is provided in Section 47, Article 3 of the 1945 Constitution that the General Assembly shall appropriate out of

the General Revenue Fund a certain amount, specified in said section, for the exclusive purpose of providing a State Park Fund to be expended and used by the agency authorized by law to control and supervise the State parks.

In my opinion this section of the Constitution requires the appropriation for State parks to be made in a lump sum the same as is provided for the Conservation Commission in Sections 40 to 46, inclusive, Article 4, Constitution 1945. I do not believe the General Assembly has authority to make specific allotments from the State Park Fund for Personal Service, Repairs and Replacements, Additions and Operation.

I recommend that hereafter the General Assembly make the appropriation for the State Park Board in a lump sum as provided in Section 47, Article 3, of the Constitution.

I recommend that the number of officers and patrolmen of the State Highway Patrol be increased; that Section 8350, Laws of Missouri, 1945, page 979, be amended by striking out the words and figures "two hundred and fifteen (215)" and that such maximum number of officers and patrolmen as the General Assembly may deem sufficient be inserted in lieu thereof.

It is my opinion because of county boundaries and inadequate facilities the sheriffs and local officers in the counties are unable to give the citizens of Missouri the full protection against law violators to which they are entitled.

Under the present law when the Superintendent of the Highway Patrol is required to be out of the State or is attending to his duties in the State but away from his office in Jefferson City, it is necessary for him to designate a Captain or some other officer to act during his absence. This is not a satisfactory arrangement, because someone in an executive position should be in the general headquarters office in Jefferson City during the absence of the Superintendent. I, therefore, recommend that an executive officer with a rank between that of Captain and the Superintendent be created and that his duties be designated by proper legislation.

Practically all departments of the State depend upon the Attorney General's office for legal advice and their successful operation to a large extent depends upon the kind of legal assistance the Attorney General's office is able to furnish. The maximum salaries in the Attorney General's office were

fixed approximately twenty-five years ago. During the past twenty years many new departments, boards, bureaus, and agencies have been created by the General Assembly which has correspondingly increased the duties of the Attorney General's office. Also, it is the duty of the Attorney General's Office to construe the 1945 Constitution and laws enacted to implement that document and to advise the heads of the various new departments in regard to their duties under the new Constitution and laws. I recommend that the salaries of the Assistant Attorneys General and employees in the Attorney General's office be increased to an amount commensurate with the duties imposed upon them in order that the Attorney General's office may adequately represent the departments of the State government and perform the other duties required of that office.

The appropriation for the Attorney General's office for operations is constantly being depleted by making deposits for court costs and for the guarantee of the payment of commissioners' fees and other expenses involved in quo warranto proceedings and other lawsuits filed or defended by the Attorney General. These court costs must be deposited until a case reaches a final determination. When the State is successful the deposit is refunded by the court, but under the existing laws it is returned to the State and placed in the General Revenue Fund. I recommend that a Revolving Fund be created in connection with the Attorney General's office so this money, when returned, will remain in the Attorney General's fund for the purpose of paying similar costs in other lawsuits which he may find it necessary to institute.

I recommend that Section 22 of an act of the Sixty-third General Assembly of Missouri, found in Laws of Missouri, 1945, at pages 730 to 731, with reference to membership on the State Board of Training Schools be repealed and reenacted and that the following words be stricken out of said Section 22:

> "Before such removal, written charges shall be filed with or by the governor; copies of these shall be sent to each board member, including the one against whom they are made; and an opportunity to be heard shall be given before the governor and in the presence of a quorum of the board. In case of such removal, the governor shall

file in the office of the secretary of state a complete statement of all charges made against such member and his findings thereon."

In my opinion said portion of said Section 22 conflicts with Section 17, Article 4 of the 1945 Constitution which provides that "All appointive officers may be removed by the governor . . ." The Governor under Section 2 of Article 4 of the Constitution of 1945 is charged with the duty of faithfully executing the laws. This is the Governor's responsibility and the General Assembly has no authority to attempt to restrict the Governor in that regard.

I recommend that changes be made in the following statutes pertaining to crimes and punishments:

That Section 4323, Article 3, Chapter 31, Revised Statutes of Missouri, 1939, line 10, be amended by inserting after the words "public officer" and before the word "of" the words "or employee" so that said section, as amended, will read:

"Every person who shall, directly or indirectly, give any money, goods, right in action or any other valuable consideration, gratuity or reward, or any promise, undertaking or security therefor, to any judge or justice of any court, justice of the peace, or to any member of the legislature, or to any officer or employee thereof, or to any other public officer or employee of this state, ...'

Said section also should be amended to strike out the words "justice of the peace" where they appear in said section and insert in lieu thereof the word "magistrate."

That Section 4324, Article 3, Chapter 31, Revised Statutes of Missouri, 1939, line 5, be amended by inserting the words "or employee" after the word "officer" and before the word "of" so that said section, as amended, will read:

"Every judge or justice of any court, justice of the peace, member of the legislature, or officer or employee thereof, and any other public officer or employee of this state, ..."

Said section also should be amended to strike out the words "justice of the peace" where they appear in said section and insert in lieu thereof the word "magistrate."

Also, that Section 4478, Article 5, Chapter 31, Revised Statutes of Missouri, 1939, line 1, be amended by inserting after the comma "," following the word "officer" the words "agent or employee," so that said section, as amended, will read:

> "If any officer, agent or employee, appointed or elected by virtue of the Constitution of this state, ..."

I recommend that the penalty provided in Section 4340, Article 3, Chapter 31, Revised Statutes of Missouri, 1939, in regard to fraud in office be changed from a misdemeanor to a felony.

I recommend that Section 11421, Laws of Missouri, 1945, page 1873, relating to the sales tax act, providing that books and records shall be preserved for a period of at least two years be amended and that the words "at least two years" be stricken out of said section and the words "five years" inserted in lieu thereof. Because of an inadequate number of competent auditors and inadequate appropriations two years is an insufficient period of time for a proper audit to be made of the books and records of those engaged in the retail business.

I recommend that Sections 9036, 9039, 9071, and 9096, Revised Statutes of Missouri, 1939, be repealed for the reason that said sections conflict with the provisions of Section 15 of the Merit System Act, found at page 1165, Laws of Missouri, 1945, in regard to the salaries of the warden, deputy warden, chaplains, superintendent of industries, guards, and other employees at the Missouri State Penitentiary.

Our present statutes in regard to inmates escaping from the Penal Institutions of this State are inadequate. Sections 4306, 4307, and 4308, Revised Statutes of Missouri, 1939, govern the escape of inmates from the Penal Institutions. I called this to the attention of the Sixty-fourth General Assembly on January 8, 1947, but no action was taken. Since that time the Supreme Court of Missouri has rendered an opinion construing Section 4307.

However, the present statutes do not make it a crime to escape from the Intermediate Reformatory for Young Men at Algoa and the Training Schools. I recommend that legislation be enacted to broaden the scope of the present statutes

so they will include the escape of inmates from the State Penitentiary, prison farms, Intermediate Reformatory for Young Men at Algoa, Training School for Girls at Chillicothe, Training School for Negro Girls at Tipton, and Training School for Boys at Boonville, either while confined therein or while permitted to be at large as a trusty.

It is my opinion that Article 2, Chapter 68, Revised Statutes of Missouri, 1939, relating to private employment offices or agencies for hire where a fee is charged to applicants for employment, should be amended to regulate the fees charged applicants and to prohibit the charging of unreasonable fees. Questionable practices by private employment agencies in the charging of exorbitant fees exist in this State. These practices should be corrected.

Also, the Division of Industrial Inspection should be authorized to enact rules and regulations governing the practices of private employment agencies. These rules and regulations should be made a matter of public record as is provided for by law.

Under the present law if an application for a license to operate a private employment agency is made, accompanied by a bond, the State Division of Industrial Inspection has no alternative except to issue the license. There should be some authority vested in the Division of Industrial Inspection regulating the issuance of such licenses.

Section 34, Article 3 of the 1945 Constitution provides "In the year 1949 and at least every ten years thereafter, all general statute laws shall be revised, digested and promulgated as provided by law." Therefore, the general statutory laws should be revised by the Sixty-fifth General Assembly.

I have had the honor of serving as Chairman of two Revision Commissions, in 1929 and 1939. By reason of this experience I want to caution the members of the General Assembly that those in charge of the Revision should take every precaution to see that the substantive law in the statutes is not changed. Too often persons or groups interested in a certain section or subject in the statutes appear before the Revision Commission seeking to clarify or change the wording of a section without regard to related sections and in many instances they have ulterior motives in doing so. Many of the statutes have been interpreted by our courts and have

a definite construction. The Revision Commission or those in charge of the Revision should not be permitted to alter the substantive law. Changes should be made only by proper legislation enacted by this General Assembly. Unless this policy is followed we may awaken to the fact that a legislative staff charged only with the revision of the laws has exceeded its authority and invaded the province of the General Assembly in altering the substance of the law.

I recommend that the salaries of employees and heads of divisions within the different departments of State government be made as nearly uniform as possible so those doing comparable work be paid on the same basis. I undertook to do this, but was unable to do so because of the variation in stipulated salaries in the statutes and the different classifications of persons doing the same work in the various divisions. For instance, a chief clerk in one department receives a salary of $2,800.00 per year fixed by statute, while in another department or division a chief clerk may receive as high as $5,600.00 because there is no statutory limitation.

Employees in divisions covered by the State merit system conform to a uniform classification schedule and a definite pay schedule with permanent employment. I suggest that the statutory salaries of division heads and other employees not under the merit system be removed; that said division heads and employees be made subject to a uniform classification and salary schedule similar to the merit system with the pay scale probably somewhat higher to make up for the limited period of employment and the uncertainty of tenure.

Section 7, Article 8, Constitution of 1945, provides "Qualified electors of the state who are absent, whether within or without the state, may be enabled by general law to vote at all elections by the people." I recommend that legislation be enacted in regard to absentee voting in order that qualified electors of this State who are absent from the State of Missouri on election day may be enabled to vote.

The Department of Public Health and Welfare was created by an act of the Sixty-third General Assembly found in Laws of Missouri, 1945, page 945. Section 28 of said act provides that the Director of the Division of Mental Diseases shall be a person recognized for his knowledge of mental diseases, and the care and treatment thereof, and also known

for his business and executive ability. This provision makes it practically mandatory that the Governor appoint a psychiatrist to this office.

It has been proven by experience over the past two years that the duties of the Director of the Division of Mental Diseases are in the main business duties and not duties such as require the services of a psychiatrist or even an ordinary physician. Superintendents have charge of the hospitals under the Director of the Division. Each superintendent is a physician and some are psychiatrists. They have direct supervision over the care of the patients. The duties of the Director, however, are largely supervisory, having to do with appropriations, control of expenses, approval of purchases, maintenance of the properties, the planning for additional facilities, the growing of crops and the production of livestock.

It is generally known that there is a dire shortage of doctors, especially physicians who have had the special training to qualify them as psychiatrists.

It is my recommendation that because of the shortage of psychiatrists together with the fact that the duties of the Director are principally concerned with the business management of the State Hospitals, that Section 28, Laws of Missouri, 1945, page 953, be amended so it will be possible to appoint a person to this office who is known for his business and executive ability without his having to be a psychiatrist.

Section 7 of the act pertaining to the Director of Public Health and Welfare found in Laws of Missouri, 1945, page 945, provides among other things that all employees of the Department of Public Health and Welfare shall be citizens of this State for at least two years next before taking the examination.

The Department of Public Health and Welfare is one of the largest of the new State departments and because of the nature of the services performed by the three divisions in that department they necessarily employ a great many professional and technical employees, such as doctors, nurses, laboratory technicians, sanitation engineers, statisticians, referees, and other such employees. The Director of the Department and the Directors of the Divisions within the Department have tried to follow literally the provisions of the present law with reference to the hiring of personnel. This is practically the

only department of the State government that has such a strict limitation in the selection of personnel.

In view of the fact that it has been difficult to keep our State Hospitals fully staffed during the past two years, it is my recommendation that the provisions in Section 7, requiring two years of citizenship, be repealed.

I call your attention to Public Law 725, known as the Hill-Burton Act, enacted by Congress in order to provide hospital facilities to those areas where the need was greatest, under a plan which was to be developed by the states.

The General Assembly of Missouri recognized this Federal statute by enacting an act found in Laws of Missouri, 1945, at page 972. The survey provided for in said State act has been completed and the plan approved by the Surgeon General of the United States. This plan designates the areas throughout the State most in need of hospital beds for which the Federal government will contribute one-third of the cost of construction and equipment. However, due to high building costs the areas most in need of hospital facilities are unable to provide sufficient funds to meet their two-thirds of the cost.

Unless provisions are made to assist the individual counties or groups of counties in the State for a part of the cost of hospital construction in those areas of low economic income, as designated by the State plan, the intention of the Hill-Burton Act will be defeated.

I therefore recommend that serious consideration be given to this problem.

The act of the Sixty-third General Assembly found in Laws of Missouri, 1945, page 1395, provides a method whereby contiguous counties may join in the execution of a common function or service, including the purchase, construction, and maintaining of hospitals, etc. Said act provides that the county courts shall administer the delegated power and allocate the cost among the counties.

The establishing and maintaining of County Hospitals is provided for in Article 4, Chapter 126, Revised Statutes of Missouri, 1939.

These acts of the General Assembly apparently are in conflict with each other for the reason that under the act of the Sixty-third General Assembly found in Laws of Missouri,

1945, page 1395, the hospitals are governed by the county courts and under Article 4, Chapter 126, Revised Statutes of Missouri, 1939, they are governed by a board of trustees and these two acts should be reconciled, in order that one agency should govern said hospitals.

The act of the 63rd General Assembly found in Laws of Missouri, 1945, page 969, provides for establishing, maintaining, managing, and operating a public county health center in any county or group of counties. However, said act does not provide for the operation and maintenance of a health center in a group of counties after such group has been formed.

I recommend this act be amended in order to provide a practical working procedure.

The General Hospital at Waynesville, Missouri, has been operated by the Division of Health in agreement with the Federal Works Agency. Under the Lanham Act of Congress all such Federally owned institutions must be liquidated. This institution is serving the citizens in approximately five counties in that immediate area. There is no specific statute authorizing the State to operate said hospital. This hospital has been self sustaining, deriving the cost of operation and of personal service from individual patients.

It is suggested that authority be given to the Division of Health to operate said hospital and that provision be made for the handling of the funds derived therefrom.

Congress enacted Public Law 845 for the control of stream pollution. It is the intention of said Federal law that the responsibility for the abatement of stream pollution rests with the states.

I recommend that legislation be enacted authorizing the Division of Health to institute programs as provided for in said Public Law 845 and that such legislation permit municipalities to issue revenue bonds for this purpose and to retire said bonds by sewage rentals.

The statutory law in regard to the operation and supervision of the Cancer Hospital at Columbia should be clarified.

The Cancer Hospital was established by the Cancer Commission under the authority contained in Chapter 125, Revised Statutes of Missouri, 1939. After the adoption of the 1945 Constitution the Cancer Commission was assigned to the Division of Health in the Department of Public Health and

Welfare. This was done under executive order of the Governor and also by an act of the General Assembly found in Section 13, Laws of Missouri, 1945, page 949. The law creating and establishing a Department of Public Health and Welfare (Laws of Missouri, 1945, page 945) provides (Section 2), "The Department of Public Health and Welfare shall be controlled and administered by a Director of Public Health and Welfare." This act (Laws of Missouri, 1945, page 945) also provides that the Department shall be composed of three divisions, namely, the Division of Health, the Division of Mental Diseases, and the Division of Welfare.

It should be noted that the Cancer Commission was not abolished but was assigned to the Division of Health. Therefore, the question arises as to the extent of the authority of the Cancer Commission as distinct from the authority of the Division of Health and the Department of Public Health and Welfare.

I recommend that these statutes be clarified in order that the final administrative authority of the State Cancer Hospital be placed definitely in one department of the State government.

In 1919 the General Assembly provided for the erection of a monument in France to commemorate the heroic achievements of the citizens of Missouri who served on the battlefields of France and to perpetuate the memory of those who died in the war against Germany and her allies. An appropriation of Twenty-five Thousand Dollars was made for this purpose (Laws of Missouri, 1919, page 77). A small appropriation for care of the grounds and monument was made each two years thereafter until 1939. No appropriation has been made since that date, due, no doubt, to the war. I called this matter to the attention of the Appropriations Committee of the Senate in 1947 but no action was taken. I recommended that an appropriation of not exceeding Five Hundred Dollars be enacted for the purpose of maintaining the grounds and monument in France and that a small appropriation for this purpose be made each year thereafter.

The appropriations enacted by the Sixty-fourth General Assembly for some of the departments of the State government for the current fiscal year were inadequate, and I recommend that this General Assembly enact additional appropriations for the following departments:

In the Department of Revenue additional duties were added by reason of enactment of the following laws:

An act found in Laws of Missouri, 1947, Volume 2, page 431, providing for the collection of sales tax and use tax on motor vehicles at the time of registration. It is estimated this act adds thirty per cent to the volume of business handled by the Revenue Department.

An act found in Laws of Missouri, 1945, page 1191, requiring the registration and issuing of a certificate of title to outboard motors, the handling of applications for registration, and the collection of registration fees.

An act found in Laws of Missouri, 1945, page 1207, known as the Financial Responsibility Law, providing for the giving of proof of financial responsibility of persons operating motor vehicles, and providing for the enforcement of the provisions of said act.

No appropriation was provided by the Sixty-fourth General Assembly for the enforcement of the above laws.

The peak period on income tax collection is approaching which will add greatly to the volume of work in this office.

The staff of auditors is inadequate to properly cover the State in the collection of the sales tax.

I recommend that an additional appropriation of seventy-five thousand dollars for personal service be enacted for the Department of Revenue.

The Division of Public Buildings requests an additional appropriation for Personal Service of Six Thousand Dollars to employ additional elevator operators and janitors during the session of the Sixty-fifth General Assembly; also, an additional appropriation of approximately Ten Thousand Five Hundred Dollars for Operation to buy fuel oil for the current fiscal year.

The Director of the Department of Public Health and Welfare requests an additional appropriation for Personal Service in the amount of Two Thousand Dollars; and Two Hundred and Fifty Dollars for Operation.

The appropriation for the office of the Attorney General has been reduced each year during the past two years below the appropriation for 1945-46 although additional duties have been added to this office. I recommend an additional appropriation for Personal Service of Thirty-two Thousand Dollars;

and Six Thousand Four Hundred and Twenty Dollars for Additions, Repairs, Replacements, and Operation for the present fiscal year.

The Director of the Department of Corrections informed the Appropriation Committees of the General Assembly that due to the salary ranges set under the Merit System Act, an additional appropriation for Personal Service of Seventy-eight Thousand Dollars would be required to pay the salaries at the State Penitentiary for the year 1948-49. This statement in regard to the need for an additional appropriation is still true.

Since that time a new power plant was authorized at the Penitentiary and is now under construction and probably will be in operation early in 1949. At least four additional employees will be needed for this unit which will require approximately Two Thousand Dollars for the current fiscal year. I, therefore, recommend an additional appropriation of Eighty Thousand Dollars for Personal Service for the State Penitentiary.

The Operation funds at the State Penitentiary have been inadequate and I recommend an additional appropriation of approximately Fifty Thousand Dollars for this purpose for the present current year.

I recommend an additional appropriation of Two Thousand Dollars for Repairs and Replacements for the Training School for Negro Girls, Tipton.

By reason of putting into effect the Merit System and Eight Hour Law at the Missouri State Sanatorium, Mt. Vernon, the Sixty-fourth General Assembly failed to appropriate sufficient funds for personal service at this institution. It is estimated that an additional appropriation of One Hundred Thousand Dollars will be required for personal service for the remainder of the present fiscal year.

The St. Louis State Hospital and the St. Louis Training School were transferred to the State under an act passed by the Sixty-fourth General Assembly. However, no definite information was furnished the General Assembly as to the necessary amount of appropriation required for said institutions for the current fiscal year. Large requests for personal service and for operation at the St. Louis State Hospital have been made, and although I recommend additional appropria-

tions for the current fiscal year I suggest this matter be given careful study and consideration by this General Assembly. This is also true as to the request of the St. Louis Training School for Personal Service.

For several years the Section of Vital Statistics in the Division of Health has been unable to carry out the procedure required under the statutes because of insufficient funds. The Sixty-fourth General Assembly enacted a law found in Laws of Missouri, 1947, Volume 2, page 237, requiring registration of marriages, divorces, and adoptions, but no additional appropriation was enacted to carry out the provisions of this act. I, therefore, recommend that an additional appropriation be made for this fiscal year to meet the requirements of the Vital Statistics Section of the Division of Health.

At the Trachoma Hospital, Rolla, the operating and personal expenses have increased beyond expectations since the last appropriation was made. In order to maintain the present standards an additional appropriation in Personal Service and in Operation should be made.

At the Federal Soldiers' Home, St. James, an additional appropriation, due to increased cost of operation, will be required for the current fiscal year. Also, an additional appropriation of approximately Three Thousand Dollars will be required for a new boiler at said institution.

Expenditures for old age assistance for the current fiscal year are running very close, and there is likelihood that the appropriation will not be sufficient to meet full needs throughout this fiscal year. I recommend that the General Assembly appropriate additional funds for old age assistance sufficient in amount to insure that full needs under this program for this fiscal year will be met.

The Sixty-fourth General Assembly appropriated $4,650,000.00 from the General Revenue Fund for Aid to Dependent Children for the current fiscal year. This appropriation will not be sufficient to meet the full needs of children eligible for assistance under this program.

The Sixty-fourth General Assembly appropriated $5,000,000 for General Relief payments for the current fiscal year. This amount permits the payment of only fifty-five per cent of an individual's need who qualifies for aid under this program.

I recommend that the Sixty-fifth General Assembly appropriate sufficient additional money to enable the Division of Welfare to make full payments to dependent children within the limits of the maximum grants established by Federal aid State statutes, and appropriate additional funds to make grants to unemployable persons on relief rolls on a basis of decency and health, as provided by State law.

For the past four fiscal years, the Division of Welfare has received exactly the same appropriation from the State General Revenue Fund for administration of the welfare program in this State. Obviously the program cannot be administered now on the same appropriations as in the past. The appropriation this year is not adequate to maintain a sufficient staff to meet the needs of persons under this program promptly and to make necessary recurrent checks of eligibility of those persons on the assistance rolls. I recommend that this General Assembly appropriate additional administrative funds to the Division of Welfare in such an amount as to insure adequate administration of the welfare programs.

The Sixty-fourth General Assembly passed legislation increasing the monthly blind pension from thirty dollars per month to thirty-five dollars per month but did not appropriate additional funds to meet this increase for the entire fiscal year. Furthermore, the law setting the blind pension payment at thirty-five dollars per month expires June 30, 1949. I recommend that this General Assembly appropriate additional funds to pay blind pensions at thirty-five dollars per month and extend such payment for as long a period as the General Assembly deems necessary after June 30, 1949.

The Sixty-fourth General Assembly enacted an appropriation of $3,600.00 to provide readers for blind students who wish to attend a university as provided by law. This appropriation is insufficient for this fiscal year and should be increased.

I am advised by the Comptroller that an additional appropriation of approximately One Hundred Twenty-five Thousand Dollars will be required for costs in criminal cases for the present fiscal year.

I am advised by the Motor Vehicle Fuel Tax Unit that an additional appropriation of approximately Two Hundred

Fifteen Thousand Dollars will be required to pay gasoline tax refunds for the current fiscal year.

The power plant for the Capitol Building and other State buildings should be improved. I am advised that it will cost approximately $267,000.00, for necessary parts and repairs including one 1250 kilowatt generator and engine, tunnel, cables and piping in the Power House from switchboard to generators, steam and exhaust piping, new switchboard and cables, coal handling equipment, traveling overhead crane, new smoke stack, re-wiring for the Capitol Building, and other miscellaneous items.

In view of the fact that I made a number of recommendations in messages to the Sixty-third and Sixty-fourth General Assemblies on which no action was taken, I respectfully call your attention to those messages for such action as you may deem advisable.

It would not be proper for me to anticipate the policies or the program of the incoming Governor, who will have his own recommendations to submit for your consideration.

In conclusion, I wish to express my appreciation for the cooperation which has been extended to me by the elective officials, the various departments and institutions of the State government, and by members of the General Assembly. The past four years has been a transition period. During this momentous time great changes have taken place in nation and state. War has been followed by an uneasy peace. Throughout this changing period our State has progressed and has met the challenges of the times. May we still go forward, meeting the needs and demands of new days with courage and determination. And may Missouri continue to lead the nation, with peace and prosperity our constant goal, remembering always that the "welfare of the people is and should be the supreme law for both State and Nation."

[PHIL M. DONNELLY.]

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VETO MESSAGES

TO THE HOUSE OF REPRESENTATIVES

MAY 10, 1945

From the Journal of the House of Representatives, pp. 922-923

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 10, 1945.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, House Bill No. 110, entitled:

"AN ACT

"To amend Article 2, Chapter 32, Revised Statutes of Missouri, 1939, known as the Non-intoxicating Beer Act by adding a new section relating to the inspection of the premises of permit or license holders to be known as Section 4951a; amending Section 4954 to provide that fees are to be paid to the Director of Revenue if provided by law and by adding a new sub section relating to fees to be known as sub section (e); amending Section 4959 by striking the words 'Attorney General' wherever it may appear and inserting in lieu thereof the words 'Supervisor of Liquor Control'; by repealing Section 4960 and re-enacting a new section to be known as Section 4960 relating to application for license to manufacture or sell non-intoxicating beer; by repealing Section 4996 and enacting in lieu thereof a new section to be known as Section 4996 relating to the revocation and suspension of license and provide hearings; and by adding a new section which shall be known as Section 4996b relating to the suspension and revocation of license and giving authority to the supervisor of liquor control to make regulations."

Said bill was presented to me on May 1, 1945. Said bill is accompanied with my objections set out below.

In the title to House Bill No. 110 it is stated that Section 4996 (Revised Statutes of Missouri, 1939) is repealed and a new section enacted in lieu thereof to be known as Section 4996 relating to the revocation and suspension of license and providing hearings.

In Section 1 of House Bill No. 110 it is stated "by repealing Section 4996 and enacting in lieu thereof a new section to be known as Section 4996, relating to the revocation and suspension of license and provide hearing."

Section 4996 does not appear in the bill as reenacted; in fact, it is entirely omitted from the bill. It is my opinion that the language in the title and also in Section 1 of the bill is sufficient to repeal Section 4996 Revised Statutes of Missouri, 1939, even though this section is not reenacted in the bill.

Said Section 4996 is the section of the Non-intoxicating Beer Act which authorizes the Supervisor of Liquor Control to revoke the license of a dealer when the dealer has violated any of the provisions of the Non-intoxicating Beer Act, but the dealer must have ten days' notice of the application to revoke his license prior to the order of revocation, with full right to have counsel, to produce witnesses in his behalf in such hearing and to be advised in writing of the grounds upon which his license is sought to be revoked.

This is an important section and in my opinion should not be repealed. There is a similar section in the Liquor Control Act, it being Section 4905. I think the dealer should have notice, also the right to have counsel and to produce witnesses in his behalf and to be advised in writing the grounds upon which his license is sought to be revoked. This is a right which should not be denied to him.

The provisions of House Bill No. 110 are meritorious and I believe will better aid in the enforcement of the Non-intoxicating Beer Act but I do not feel justified in signing this bill in its present form. No doubt the authors intended to reenact Section 4996 and include suspension of license as well as revocation but, of course, failed to do so by omitting the section entirely from the bill.

It is my opinion that the bill should be reintroduced and Section 4996 repealed and reenacted, providing for both revocation and suspension of license.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MAY 31, 1945

From the Journal of the Senate, pp. 861-869

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 31, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Committee Substitute for Senate Bill No. 60, entitled:

"AN ACT

"Providing for the reimbursement to members of the 63rd General Assembly for expenses incurred away from their homes in the performance of their duties in the sum of $5.00 per day; providing for a form of claim for reimbursement; providing for the form of reimbursement to be certified by such members to the Committee on Accounts of the Senate and House of Representatives; providing for examination and approval of said claims; providing that the provisions of Sections 13027 and 13028 Revised Statutes of Missouri, 1939, shall not apply to members of the 63rd General Assembly; providing that all acts or parts of acts insofar as they are in conflict with the provisions of this act are repealed; with an emergency clause."

I have vetoed Senate Committee Substitute for Senate Bill No. 60 for the following reasons:

Section 1 of said bill provides:

"From and after the effective date of this act the members of the 63rd General Assembly shall severally be reimbursed for all expenses of lodging and meals actually and necessarily incurred away from their homes in connection with their legislative duties at the rate of $5.00 per day, payable monthly."

Section 2 provides:

"All claims for such reimbursement shall state the date and place of such legislative duties, and shall be submitted to the Committee on Accounts of the Senate and House of Representatives respectively upon a form prepared by such committees, such claims shall be supported by the certification of such member, and shall be in the following form:

'I.....do certify that the above claim is correct and just, that the expense was incurred away from my home while actually and necessarily engaged in my legislative duties, that payment was made out of my personal funds and I have not been reimbursed therefor, and I have not received and will not receive from any source whatever any payment of any part thereof except as provided by law.' "

Section 3 is as follows:

"The Committee on Accounts of the Senate and House of Representatives shall examine said claims and if found to be correct shall approve them for payment. The State Auditor shall not audit and the State Treasurer shall not pay any such claim for reimbursement in excess of $5.00 for any calendar day. The provisions of Sections 13027 and 13028, Revised Statutes of Missouri, 1939, shall not apply to members of the 63rd General Assembly. All laws or parts of laws insofar as they are in conflict with the provisions of this act are repealed."

Section 4 contains an emergency clause.

While Section 2 of said bill provides that the members of the Legislature shall certify that their claims for reimbursement are correct and just, and that payment was made out of their personal funds and that they have not been reimbursed therefor, it is apparent that Section 1 allows each member the flat sum of $5.00 per day, payable monthly, for reimbursement for lodging and meals incurred away from his home in connection with his legislative duties.

In passing upon the constitutionality of Senate Committee Substitute for Senate Bill No. 60, several provisions of the Constitution should be taken into consideration.

Section 16 of Article III of the Constitution provides:

> "Senators and representatives shall receive from the state treasury as salary the sum of one hundred and twenty-five dollars per month, and upon certification by the president and secretary of the senate and by the speaker and chief clerk of the house of representatives as to the respective members thereof, the state auditor shall audit and the state treasurer shall pay such compensation without legislative enactment. Senators and representatives shall receive one dollar for every ten miles traveled in going to and returning from their place of meeting, once in each session, on the most usual route."

Section 13 of Article VII of said Constitution reads:

> "The compensation of state, county and municipal officers shall not be increased during the term of office; nor shall the term of any officer be extended."

Section 40 of Article III of said Constitution provides that the General Assembly shall not pass any local or special law:

> "(30) where a general law can be made applicable, and whether a general law could have been made applicable is a judicial question to be judicially determined without regard to any legislative assertion on that subject."

In approaching a construction of the Constitution, certain fundamental rules of construction should be recognized. (1) The Constitution is a limitation of power, and the Legislature is supreme, except as its power is limited by the Constitution. (2) In construing the Constitution, words are to be given their ordinary meaning. (3) All doubts or ambiguities are to be resolved in favor of the constitutionality of an act of the Legislature. (4) The doctrine of *expressio unius est exclusio alterius* is applicable in construing the Constitution.

Section 16 of Article III of the Constitution plainly provides that senators and representatives shall receive $125 per month, and shall receive $1.00 for each ten miles traveled in going to and returning from their place of meeting, once in each session, on the most usual route. Clearly, the $125 per month is compensation. Whether or not the amount allowed for mileage is compensation or reimbursement for personal expenses is a question about which the courts of various states have differed.

If the $5.00 per day allowed by Senate Committee Substitute for Senate Bill No. 60 is construed to be compensation, I think there is no question that said bill would be in violation of Section 16 of Article III, supra, which fixes the compensation of members of the General Assembly; and of Section 13 of Article VII, supra, which prohibits an increase in compensation of any State officer during his term of office. If the $5.00 provided by said bill is construed to be reimbursement for expenses and the mileage allowed senators and representatives by Section 16 of Article III is likewise construed to be reimbursement for expenses, said bill might be held to be in conflict with said Section 16 under the doctrine of *expressio unius est exclusio alterius.*

The further question arises as to whether or not Senate Committee Substitute for Senate Bill No. 60, which provides $5.00 per day for members of the 63rd General Assembly only, is a special law prohibited by Section 40 of Article III of the Constitution cited above. The questions which naturally present themselves are related and will be discussed together.

I recognize the fact that there is a distinction between compensation and reimbursement for expenses. I appreciate the fact that Senate Committee Substitute for Senate Bill

No. 60 labels the $5.00 per day as reimbursement for expenses for lodging and meals, but whether the $5.00 in question is compensation or reimbursement for expenses, is a judicial question to be determined by the substance and reasonable effect of Senate Committee Substitute for Senate Bill No. 60; and the courts are not concluded by mere declarations in the act.

As was said in the case of Peay v. Nolan, 7 S. W. (2d) Tenn. 815, at l. c. 819:

> "The constitutionality of an act depends on its real character, and on the end designed to be accomplished, and the courts are not concluded by mere declarations, for in whatever language a statute may be framed, its purpose and constitutional validity must be determined by its natural and reasonable effect. 6 R. C. L., sec. 79; 12 C. J., sec. 219, p. 787."

The court, at page 818, further said:

> "For the purpose of determining the constitutionality of a statute, it is the function of the court, first, to ascertain its meaning by the application of ordinary canons of construction, and then to decide whether, as thus construed, the enactment is within the scope of the legislative power. The construction of a statute which brings it in conflict with the Constitution will nullify it as effectually as if it had, in express terms, been enacted in conflict therewith. Wherefore, if it appears from a view of the act of appropriation that its natural and reasonable effect is to supplement and increase the compensation of members of the General Assembly, it would be void."

The court, in the above case, held that a gross appropriation of $750 as expenses to each member of the General Assembly was in effect an increase of their compensation, and thereby void, because in excess of the amount fixed by Section 23 of Article II of the Constitution of Tennessee.

In the case of State v. Tracy, 190 N. E. (Ohio) 463, the court was construing an act of the Ohio General Assembly appropriating a sum to pay the members of the 90th General

Assembly at a rate not to exceed $4.00 per day for room and board for each legislative day. On the one hand, it was contended that the appropriation was in effect an increase in the compensation of the members of the General Assembly, prohibited by the Constitution, and on the other hand, it was contended that such appropriation was for reimbursement of expenses. The court at l. c. 467, stated:

> "Relator insists that compensation is one thing and expense is another. That is quite true, but they trot along hand in hand, and, when used in connection with members of the General Assembly, or any other public officer for that matter, they bear a close relationship.
>
> "Where did the money that paid for the room and board for members during special sessions of the Ninetieth General Assembly since January 30, 1934, come from: It must have come from the pockets of the members. It was their money. It could make no difference whether the particular money was salary and mileage, or the proceeds of a sale of private property. The money has been expended, consequently the money provided by House Bill No. 4 would be reimbursement, and the money for future payments would fall within the same class as expense accounts that are required to be made out and filed at the end of each week. The legislator must have lived the week before he can get any money. Having lived the week, it is safe to assume that he paid for his living, and the $4 per day goes to replace the dollars he has taken out of his pocket. It is compensation."

Conceding the right of the General Assembly to provide for legislative expenses, which right is universally recognized, we are still confronted with the question of whether an allowance, such as is provided for in Senate Committee Substitute for Senate Bill No. 60, is a legislative expense which may be properly allowed or whether it is an increase in compensation which is expressly prohibited.

In the case of State v. Turner, 233 Pac. (Kans.) 511, page 510, the court had under construction the validity of an act of the Legislature which provided for the payment of $5.00 per day for expense money for each member of the General

Assembly and to the Lieutenant Governor, for each day of any regular or special session of the Legislature. Section 3 of Article II of the Kansas Constitution fixed the compensation of members of the Legislature at $3.00 for each day's actual service and 15c for each mile traveled by the usual route in going to and returning from the place of meeting. The court, at l. c., page 511, said:

> "An examination of section 3 of article 2 of the Constitution is necessary. It makes provision for the payment of expenses in going to and returning from the place at which the Legislature meets. No other expenses are provided for. The principle of statutory constructions, *expressio unis est exclusio alterius* (the expression of one thing is the exclusion of another) will be of some assistance in reaching a correct conclusion.
>
> . . . . . .
>
> "If the maxim '*expressio unius est exclusio alterius*' applies, all personal expenses of legislators other than mileage are excluded by the constitutional provision.
>
> "(2) All legislative expenses may be properly paid. The expenses that may be paid are not those that are incurred by a member of the Legislature because he is at the capital city; they are those that are incurred by him in the performance of his duties. They are legislative expenses, not personal expenses. The distinction between expenses that are legislative and those that are personal is that legislative expenses are those that are necessary to enable the Legislature to properly perform its functions, while those that are personal are those that must be incurred by a member of the Legislature in order to be present at the place of meeting—expenses for his personal comfort and convenience, which have nothing to do with the performance of his duty as a member of the Legislature. Personal expenses are those incurred for rooms, meals, laundry, communications with their homes, and other things of like character. . . . . ."

The court, in the above case, held that the act in question was in violation of Section 3 of Article II of the Constitution,

which made provision for the payment of expenses for going to and returning from the place where the Legislature meets, and in violation of Section 15 of Article I of the Constitution prohibiting an increase of an officer's compensation during his term of office.

The decision in State v. Turner, supra, has been followed by the courts of a number of other states.

The case of Dixon v. Shaw, 253, Pac. (Okla.), page 500, was a proceeding in mandamus to compel the State Auditor to allow and pay bills for expenses incurred by members of the Legislature in payment of hotel room rent and meals, as authorized by House Resolution No. 2. Section 21 of Article V of the Constitution of Oklahoma provides that members of the Legislature shall receive $6.00 per diem for their services during the session of the Legislature and 10c per mile for every mile of necessary travel in going to and returning from the place of meeting of the Legislature on the most usual route; and shall receive no other compensation. The court held that this was a grant and an inhibition and that the mileage and per diem constitute the granted compensation and that any other allowance to the members, appropriated out of public funds for room rent and meals while at the capital attending the sessions of the Legislature, was purely personal to the members and was compensation other than that provided, and was therefore prohibited. The court at l. c., page 504, said:

> ". . . We not only approve, but adopt, the reasoning of the Supreme Court of the state of Kansas, in the said case of Griffith v. Turner, as to the distinction between expenses that are legislative and amply within the authority of that body to provide and use, and those which are purely personal in their nature, and by reason thereof, are, under the said section 21 of the Oklahoma Constitution, an allowance of a compensation other than that provided in the said section. A rule well recognized and often quoted in its Latin terminology is '*Expressio unius est exclusio alterius.*' When said provisions are called in question as here, we reach no conclusion, but the language used is to be measured by such a well-recognized rule existent at the time of the adoption of

the Constitution. But irrespective of rules of interpretation, we think that the language employed by makers of the basic law of the state should not be given a strained or subtle meaning, but such meaning as the average citizen would conclude the language imports. This for the reason that the electorate, in ratifying the document and thereby breathing life into the same, considered the provisions as the language used fairly imports. Compensation, as used in the said section, refers to both the per diem and the mileage, and no other personal [*sic*] to the member is permitted. The place of performance of service is at the capital. The living expenses in performance of the duty of the members cannot be added to the compensation expressly allowed."

In the case of Gallarno v. Long, 243 N. W. (Iowa) 719, the court had under construction an act of the General Assembly, allowing each member of the Legislature and the Lieutenant Governor his actual, necessary expenses incurred while in attendance of a session of the Legislature which shall in no case exceed $500 for any regular session. Section 25 of Article III of the Iowa Constitution provides that each member of the General Assembly shall receive $3.00 per diem while in session and the further sum of $3.00 for every 20 miles traveled in going to and returning from the session place by the nearest traveled route; after which they shall receive such compensation as shall be fixed by law; but no General Assembly shall have the power to increase the compensation of its own members. Pursuant to the act of the Legislature, various members filed diverse claims for board, room, taxicab hire, and other expenses. The court, in passing upon the validity of the act, at l. c., page 722, said:

"The great weight of authority in America, as indicated by the following cases, is to the effect that there is a distinction between legislative, or governmental, and personal expenses. . . . ." (Citing many cases)

And further, at l. c. 723, the court held:

"So far, then, as the authorities are concerned, it is apparent that chapter 1, Acts of the Forty-Third General

Assembly, contemplates compensation, as distinguished from legislative expenses. Such expenses thus contemplated by the act under consideration are personal and not legislative. Hence they amount to additional compensation. This conclusion finds support in the history of the Iowa Constitution, the history of the times under which it was adopted, the legislation thereunder, and the evils sought to be avoided by the Constitution. Those historical and other matters may be taken into consideration when interpreting the Constitution. . . . . .''

In the case of Peck v. State, 120 Pac. (Idaho) 820, the court was construing an appropriation act of the Idaho General Assembly, appropriating a sum of money to pay the expenses of the members of the Legislature actually expended by them for subsistence and lodging while absent from their usual places of residence for services to the State of Idaho, at a rate not exceeding $5.00 per day. Article III, Section 23 of the Constitution of Idaho provided that each member of the Legislature shall receive for his services the sum not exceeding $5.00 per day from the commencement of the session, but such pay shall not exceed for each member $300 for per diem allowance for any one session, and shall receive each the sum of 10c per mile each way by the usual traveled route. The Legislature enacted a statute pursuant to the authority of the above Constitutional provision. The court, at l. c., page 822, stated:

"It is a universally recognized rule of construction that, where a constitution or statute specifies certain things, the designation of such things excludes all others. People v. Goldman, 1 Idaho 714, 23 Pac. St. Rep. 714; 59 C. J. 984, Sec. 582; 16 C. J. S., 61, Sec. 21. The statute provides that members of the legislature shall receive $5.00 per day for their services and, in addition thereto, 'shall receive each the sum of ten cents per mile each way by the usual traveled route.' That is an express declaration that each member of the legislature shall receive $5.00 per day for his services and ten cents per mile each way for traveling. The specification of per diem and mileage therein was evidently intended as a definite declaration

of the amount to be received by each member of the legislature for services and expenses, and the limit thereof."

The court, at l. c. 822, further held:

"If we should so construe Chapter 73 as to read into it a grant to the present members of the legislature of the right to reimbursement of the amounts of their expenses for board and lodging, the act would be special, not general in its application, for nothing can be found to support a construction that the board and lodging of future legislators are to be paid for at the expense of the state. The appropriation made by Chapter 73 is not available to future legislators. (I. C. A., Sec. 653409, as amended by 1941 Sess. L. p. 141, chapt. 74.) Chapter 73 is clearly intended to appropriate money to reimburse the present members of the legislature for their actual and necessary expenses for subsistence and lodging, while absent from their usual places of residence, in the service of the state. If we construe that appropriation act to also grant to the present legislators the right to the allowance, we would render it void because of conflict with Article III, Section 19 of the Constitution, which provides:

" 'The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:
" ' . . . .

" 'Creating, increasing or decreasing fees, percentages or allowances of public officers during the term for which said officers are elected or appointed.' "

While our Constitution does not specifically prohibit local or special laws increasing the allowance of public officers during the terms for which said officers are elected or appointed, it does specifically prohibit any local or special law "where a general law can be made applicable."

A few cases might be cited which seem to hold contrary to the views expressed in the above cited cases. In the case of Christopherson v. Reeves, 44 So. Dak. 634, it was held that the Legislature could appropriate the sum of $200 to each member as an expense allowance in addition to the com-

pensation for their services fixed by the Constitution. This case has been reviewed and repudiated by many of the courts of other jurisdictions.

In the case of State ex rel. Weldon v. Thomason, 142 Tenn. 527, the court upheld an appropriation of money for stenographic work and other necessary expenses of legislators, in additiion to the regularly provided compensation. The appropriation, however, was upheld on the presumption that the appropriation in question was for legislative expenses rather than for personal expenses, and in the case of Peay v. Nolan, supra, the Supreme Court of Tennessee later held that a statute appropriating $750 to each member of the Legislature for postage, stenographic hire, and other necessary expenses violated the constitutional provision fixing compensation of members of the General Assembly.

Numerous other authorities, holding acts similar to Senate Committee Substitute for Senate Bill No. 60 unconstitutional under provisions similar to our own Constitution, could be cited. I think, however, that the decisions referred to herein clearly demonstrate that by the overwhelming weight of authority, acts allowing money to members of the General Assembly for subsistence, while attending legislative sessions, amount to an increase of compensation within the meaning of the provisions of the various Constitutions fixing the compensation of members of the General Assembly and prohibiting an increase thereof during their term of office.

The weight of authority is also to the effect that even if such allowances were construed to be reimbursements for expenses, they would still be unconstitutional where the Constitutions provided an allowance for mileage under the doctrine of *expressio unius est exclusio alterius.*

I fully appreciate the tremendous task that has been imposed upon the members of the 63rd General Assembly by virtue of the adoption of the new Constitution. I realize that the members will be in session for a much longer period of time than usual. I have no doubt of the good faith of the members of the General Assembly who enacted Senate Committee Substitute for Senate Bill No. 60. I am also of the opinion that the $5.00 allowance per day to members of the General Assembly would be reasonable, if not prohibited. However, Constitutions must receive a consistent and uniform

interpretation. Framers of the new Constitution must have realized that its adoption would throw many added burdens on the present General Assembly, and they could have provided for additional compensation or expenses to members of the General Assembly if they had seen fit to do so. Many persons, familiar with the duties of the General Assembly, will agree that their compensation and expense allowances are entirely inadequate. However, the sole remedy lies in changing the Constitution.

I reluctantly conclude that the allowance to members of the 63rd General Assembly for lodging and meals while away from their homes in connection with their legislative duties, as provided in Senate Committee Substitute for Senate Bill No. 60, is, in effect, an increase of their compensation in violation of Section 16 of Article III and Section 13 of Article VII of the Constitution of Missouri, and is, therefore, unconstitutional and void.

Said Senate Committee Substitute for Senate Bill No. 60 expressly applies only to the members of the 63rd General Assembly and thereby excludes members of future General Assemblies. It is my opinion that this is a special law and therefore in violation of the provisions of Section 40 of Article III of the Constitution which prohibits the General Assembly from enacting any local or special law.

For the above and foregoing reasons Senate Committee Substitute for Senate Bill No. 60 is vetoed.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE HOUSE OF REPRESENTATIVES

JUNE 4, 1945

From the Journal of the House of Representatives, pp. 1153-1157

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 4, 1945.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Committee Substitute for House Bill No. 51, entitled:

"AN ACT

"To repeal Sections 15328, 15329 and 15330, Article 1, Chapter 133, of the Revised Statutes of Missouri, 1939, relating to the creation of a State Park Board, and providing for the appointment of members, officers and other personnel, and defining the powers and duties of said members and officers, and providing that all laws or parts of laws in conflict with the provisions of this Article are repealed, and to enact nine new sections in lieu thereof relating to the same subject, and to be known as Sections 15328, 15329, 15330, 15330a, 15330b, 15330c, 15330d, 15330e, with an emergency clause."

Committee Substitute for House Bill No. 51 seeks to repeal Sections 15328, 15329 and 15330, Article 1, Chapter 133, Revised Statutes of Missouri, 1939, relating to the State Park Board and provides for the creation of another State Park Board composed of six members.

Although Committee Substitute for House Bill No. 51 is more verbose than the present State Park Board law, in my opinion, it does not give the proposed new Board any more power or duties than the present State Park Board has and exercises under the provisions of Article 1, Chapter 133, supra. It seems to be merely the substitution of one board for another board.

Committee Substitute for House Bill No. 51 purports to carry an emergency clause. It reads as follows:

"Section 2. In order that this act shall become effective July 1, 1945, an emergency exists within the meaning of the Constitution; therefore, this act shall take effect and be in force from and after its passage and approval."

It is provided by Section 29, Article III of the Constitution of 1945 as follows:

"No law passed by the general assembly shall take effect until ninety days after the adjournment of the session at which it was enacted, except an appropriation act or in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly shall otherwise direct by a two-thirds vote of the members elected to each house, taken by yeas and nays; provided, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of such recess."

This is the comparable provision to Section 36, Article IV of the Constitution of 1875, as amended by the constitutional amendment found in Laws of 1943, page 1085.

In addition to Section 29, Article III of the Constitution of 1945, there now exists a statute, being Section 659, Revised Statutes of Missouri, 1939, which provides in part as follows:

"A law passed by the general assembly shall take effect ninety days after the adjournment of the session at which it is enacted, subject to the following exceptions:

"(a) A law necessary for the immediate preservation of the public peace, health or safety, which emergency must be expressed in the body or preamble of the act and which is declared to be thus necessary by the general assembly, by a vote of two-thirds of its members elected to each house, said vote to be taken by yeas and nays, and entered on the journal, or a law making an appropriation for the current expenses of the state government, for the maintenance of the state institutions or for the support of public schools, shall take effect as of the hour and minute of its approval by the governor; . . . ."

It is my opinion that said Section 659, Revised Statutes of Missouri, 1939, remains in full force and effect for the reason that under Section 2 of the Schedule appended to the Constitution of 1945 there is the following provision:

> "Section 2. All laws in force at the time of the adoption of this Constitution and consistent therewith shall remain in full force and effect until amended or repealed by the general assembly. All laws inconsistent with this Constitution, unless sooner repealed or amended to conform with this Constitution, shall remain in full force and effect until July 1, 1946."

Section 659, *supra*, has not been amended or repealed by this General Assembly.

While it is true Section 29 of Article III of the Constitution of 1945, among other things says:

> ". . . provided, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of such recess."

It is my opinion, however, that until legislation is enacted repealing or amending Section 659, *supra*, that said section remains in full force and effect. Therefore, said Committee Substitute for House Bill No. 51 if signed would not go into effect until ninety days after the adjournment of the 63rd General Assembly, unless it would become effective sooner by reason of the purported emergency clause.

There have been no appellate court decisions construing the provisions found in the Constitution of 1945. However, since the provisions in the new Constitution are so similar to the provisions found in the Constitution of 1875, I think that the cases decided under the Constitution of 1875 will be controlling.

It has been uniformly held that in construing the effect of an emergency clause attached to a bill that Section 36, Article IV of the Constitution of 1875 must be harmonized with Section 57, Article IV of the same Constitution, applying to the referendum, and which contains the following clause:

"Section 57. . . . The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety and laws making appropriations for the current expenses of the state government, for the maintenance of the state institutions and for the support of public schools) either by the petitions signed" etc.

Section 52, Article III of the Constitution of 1945 reads as follows:

"A referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) . . . ."

In State ex rel. Harvey v. Linville et al., 300 S. W. 1066, the court said, l. c. 1068:

"It was held in the case of State v. Sullivan, 283 Mo. 546, 224 S. W. 327, that these two sections of the Constitution must be construed together; that a declaration in a bill that it was an emergency measure within the meaning of the Constitution, did not make it so; that the emergency must appear in fact upon the face of the bill to be within the terms of the Constitution, authorizing an emergency clause which would put the act into immediate effect.

. . . . .

"Plainly the emergency clause in the act does not state a condition to which the emergency provision of the Constitution could apply.

"It was held in the Sullivan Case that any act to which the referendum might apply could not be an emergency measure; that by the operation of section 36, art. 4, the act would not go into effect until 90 days, if it was one to which, under section 57 of the article, the referendum applied. . . . ."

In the case of State ex rel. Westhues v. Sullivan, 283 Mo. 546, the court said, l. c. 576-577:

"There is no express declaration in the emergency clause to this act, bringing it within the exceptions contained in Section 57 of Article IV of the Constitution. The only laws excepted from the referendum under this constitutional provision are 'those necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of the state institutions and for the support of public schools.' The emergency clause to this act does not claim the act to be one of the class mentioned in this exception. Under Section 57, Article IV, all measures not falling within this excepted class are subject to the referendum.

"The emergency clause to the measure under consideration does not attempt to declare such measure to be of the excepted class in the constitutional provision named. It only declares in a way, the legislative reason for the conceived emergency. It does not declare that the measure is 'necessary for the immediate preservation of the public peace, health or safety.' If it had so declared the declaration would have been false on the face of the measure itself. But for our present purpose it suffices to say that the emergency clause does not bring the measure within the excepted class named in the Constitution. So that unless a mere emergency clause will exempt the measure from referendum, the contentions of plaintiffs and relator must fail. They urge that under Section 36 of Article IV, the Legislature has the power, by expressing an emergency in the face of the bill, and passing the emergency clause by a two-thirds vote, to put any law into immediate effect.

"We do not so view the matter. The force and effect of Section 57, when read with Section 36 of said Article IV, is to withdraw from the power of the Legislature to put into immediate effect any measure subject to the referendum. The two sections must be read together and made to harmonize in the light of the history of the constitutional provisions. Section 57 contemplates that 'any

act' of the Legislature is subject to the referendum, save and except the measures therein specifically named. . . ."

From the above authorities, it is plain that Section 2 of said Committee Substitute for House Bill No. 51 does not declare that an emergency exists within the meaning of the above cited constitutional provisions and, therefore, is a mere nullity. Furthermore, even if it had declared that said Committee Substitute for House Bill No. 51 is necessary for the immediate preservation of the public peace, health or safety, it would be false on its face. Certainly the turning over of the duties of one board to another does not create an emergency which would effect the peace, health or safety of the people of this State.

Section 12 of Article IV of the Constitution of 1945 reads as follows:

"The executive department shall consist of all state elective and appointive officials and employees except the officials and employees of the legislative and judicial departments. In addition to the governor and lieutenant governor there shall be a state auditor, secretary of state, attorney general, a state treasurer and a department of revenue, department of education, department of highways, department of conservation, department of agriculture and such additional departments, not exceeding five in number, as may hereafter be established by law. Unless discontinued all present or future boards, bureaus, commissions and other agencies of the state exercising administrative or executive authority shall be assigned by the governor to the department to which their respective powers and duties are germane."

Under the provisions of the above section the State Park Board, unless discontinued by the legislature, will have to be assigned by the Governor to the department to which its respective powers and duties are germane. In my opinion it is unwise at this time to create new boards which under the provisions of Section 12, of Article IV of the Constitution of 1945, will have to be discontinued by the legislature in the

near future, or which will have to be assigned by the Governor to one of the fourteen departments of government now in existence or to be hereafter created.

In creating the new Park Board in Committee Substitute for House Bill No. 51 the terms of the members, after the members of the first board have served their terms, are for six years. It is my opinion that the terms of members of boards, bureaus and commissions under the Governor should not exceed four years. Otherwise, we have the situation of a Governor's predecessor having made appointments which overlap the entire term of the Governor. The Governor is restrained from making appointments for his own administration, although he is held responsible, as the head of the State government, for the acts of those appointed by his predecessor. The Constitution of 1945 recognized this principle in local government and provided that the terms of city or county officers shall not exceed four years, (Section 10, Article VI). I think the same principle should apply to the boards, bureaus and commissions of the State government which are under the jurisdiction of the Governor.

For the above and foregoing reasons Committee Substitute for House Bill No. 51 is vetoed.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

JULY 13, 1945

From the Journal of the House of Representatives, pp. 1469-1472

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 13, 1945.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return to you House Bill No. 429, entitled:

"AN ACT

"Appropriating money for the support of the State Government for payment of certain contingent and incidental expenses of the State Government, for the period beginning January 1, 1945 and ending June 30, 1945; and to appropriate money for the payment of various forms of relief; for the several departments of the State Government, several boards, bureaus, and commissions and state officers, and persons, firms and corporations for the payment of which the state may be liable, and appropriating funds for other purposes for the period beginning January 1, 1945, and ending June 30, 1945 and prior years, with an emergency clause."

and append to said bill, at the time of signing it, the following statement of items, or portions of items, to which I object, which items and portions of items are returned without my approval, for the reasons herein below stated which said reasons accompany said bill and are my objections to said items and portions of items.

I.

Section 1. There is hereby appropriated out of the State Treasury, chargeable to the General Revenue fund, the sum of Ten Thousand Dollars ($10,000.00) to the State Auditor to pay for personal services in connection with the administration of the Sales Tax Law for the period beginning January 1, 1945 and ending June 30, 1945, this amount in addition to the amount appropriated for a like period in House Bill No. 5, Section 11 of the 63rd General Assembly, as follows:

A. Personal Service:

For salaries and wages of accountants, auditors, inspectors, lawyers, bookkeepers, cashiers, supervisor, assistant supervisors, stenographers, clerks, janitors, and all other necessary employees.....$10,000.00

Total.....$10,000.00

I am approving the sum of $5,000.00 of this appropriation and disallowing the sum of $5,000.00 for the reason that the full amount is not now needed, which will leave in effect the sum of $5,000.00, which amount is hereby approved.

II.

The following item, Section 25, Page 12, lines 27 and 28 of the printed bill as Truly Agreed to and Finally Passed,

	From General Revenue	From that part of the Ordinary Revenue set aside for the free public schools
Bethel W. Eiserman, Administrator Estate of John S. Sweet.....	$697.57	$348.79

is vetoed and disallowed in the total sum of $1,046.36 for the reason that said estate is indebted to the State of Missouri for inheritance taxes in the sum of approximately $3,000.00 and, therefore, is not entitled to be paid the above refund for overpayment of inheritance taxes.

III.

The following items, Section 26, Page 13, lines 23 and 24 of the printed bill as Truly Agreed to and Finally Passed,
McKesson & Robbins, Inc., Kansas City, Missouri..$1,537.92

I am approving the sum of $961.92 of said amount and disallowing the sum of $576.00 for the reason that said sum of $576.00 is a duplication, which will leave in effect the sum of $961.92, which amount is hereby approved.

IV.

The following item, Section 26, Page 13, Line 28 of the printed bill as Truly Agreed To and Finally Passed,
Carl Teal, Hiwasse, Arkansas.....$145.03

I am vetoing and not allowing said sum of $145.03 for the following reason: Mr. Teal held a Wine Solicitor's License

which was suspended October 6, 1943 for the remainder of the license year expiring June 30, 1944. His Wine Solicitor's License was not renewed. Therefore, he can not use stamps and a refund in stamps should not be made to him. However, I think he should be paid $145.03 in cash and I recommend that the General Assembly enact the necessary appropriation to pay said sum in cash.

V.

Section 36. There is hereby appropriated out of the State Treasury, chargeable to the General Revenue Fund, the sum of Two Hundred Fifty Dollars ($250.00) for the relief of Mrs. Elizabeth Waers, for salary due for the months of November and December, 1944, as a duly elected member of the 62nd General Assembly.

I hereby veto and disallow said sum of $250.00. My reason for vetoing and disallowing said appropriation of $250.00 is because the records in the State Auditor's office indicate that Mrs. Elizabeth Waers never qualified for the office of Representative from Clinton County, Missouri. However, I am informed that she did take the oath of office, before the county clerk of Clinton County, Missouri, December 28, 1944, but the Speaker and Chief Clerk of the House of Representatives never certified her name to the State Auditor as a member of the House of Representatives. However, if she did properly qualify as the Representative of Clinton County she should be paid out of the appropriation made for the General Assembly for 1943-1944 as this appropriation does not lapse until July 17, 1945.

VI.

Section 37. There is hereby appropriated out of the State Treasury, chargeable to the General Revenue Fund, the sum of Two Hundred Fifty Dollars ($250.00) for the relief of Joseph P. Kieley, for salary due for the months of November and December, 1944, as a duly elected member of the 62nd General Assembly.

I hereby veto and disallow said sum of $250.00. My reason for vetoing and disallowing said appropriation in the

sum of $250.00 is because the records in the State Auditor's office show that Mr. Kieley was paid for two days in November and all of December, 1944 and, therefore, is not entitled to the sum of $250.00 as set forth in Section 37.

VII.

Section 41. There is hereby appropriated out of the State Treasury, chargeable to the General Revenue Fund, the sum of Twenty-five Thousand Dollars ($25,000.00) to be set up as a Sales Tax Token Revolving Fund for the use of the State Auditor for the period beginning January 1, 1945 and ending June 30, 1945, to purchase tokens to be used in connection with the collection of the sales tax.

I am approving the sum of $10,000.00 of this appropriation and disallowing the sum of $15,000.00, for the reason that the full amount is not now needed, which will leave in effect the sum of $10,000.00, which amount is hereby approved.

VIII.

Section 42. There is hereby appropriated for the State Auditor chargeable to the Sales Tax Token Revolving Fund, for the purchase and distribution of new sales tax tokens and for the redemption of said sales tax tokens after same are issued in accordance with Section 11413, Sales Tax Act of 1943, the sum of Fifty Thousand Dollars ($50,000.00) or so much thereof as may be needed during the period beginning January 1, 1945 and ending June 30, 1945 when the same shall have been collected from the sale of sales tax tokens and deposited to the credit of said Sales Tax Token Revolving Fund. The State Auditor shall file with the Governor semi-annual reports relating to this fund, as provided in the Constitution of Missouri.

I am approving the sum of $20,000.00 of this appropriation and disallowing the sum of $30,000.00, for the reason that the full amount is not now needed, which will leave in effect the sum of $20,000.00, which amount is hereby approved.

On July 13, 1945 I approved said House Bill No. 429

as to all items and portions of items thereof, except the items and portions of items which are, as in this message above stated, returned without my approval.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

JULY 14, 1945

From the Journal of the House of Representatives, pp. 1472-1474

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 14, 1945.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Committee Substitute for House Bill No. 232, entitled:

"AN ACT

"To repeal Section 3711, Chapter 29, Revised Statutes of Missouri, 1939, relating to the workmen's compensation law, and the exemption of compensation from attachment, garnishment and execution, and the allowance of a lien for attorney's fees and the regulation and allowance of such fees, and to enact a new section in lieu thereof relating to the same subject matter and to be known as Section 3711, with an emergency clause."

This bill would remove the regulation of attorney fees from the Workmen's Compensation Commission. I am unable to find any necessity for the enactment of this bill. It is my opinion that the Missouri Workmen's Compensation Commission has been very fair in awarding attorney fees in compensation cases. In fact, the average fees allowed in Missouri are higher than the average for the United States as a

whole. There may be isolated cases where an appeal to the courts is taken and an attorney does an extra amount of work in which he earns more than the Commission allows, but as a general rule the allowance by the Commission is reasonable and adequate for the amount of work that is done. We must not lose sight of the fact that in the vast majority of compensation cases the issues are limited and fairly simple, the preparation necessary is usually far less extensive than in the ordinary personal injury damage suits, and the adjudication more prompt. Therefore, the injured person gets his compensation and the lawyer his fee in a shorter period of time than under the old method of handling personal injury suits.

The bill has the following provision with reference to the allowance of attorney fees as a lien on the compensation (Page 2, Line 10 of the printed bill): "if requested by the employee's attorney so to do, the Commission may allow as lien on the compensation, attorney's fees for services in connection with the proceedings for compensation . . . ." This is new matter and is not in the present law. I think the claimant should have something to say about whether or not the attorney fees should be a lien on the compensation. The attorney fee is being deducted from the employee's compensation, but under this bill, if requested by the employee's attorney, the fees may be allowed as a lien on the compensation. Under the present law, "if written notice is given to the Commission of the nature and extent thereof, the Commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation *if such services are found to be necessary.*" (underscoring mine) I can see no need for a change in the wording of the present law. I think the Commission should pass upon the reasonableness of the attorney fees and whether or not they are necessary, and whether or not they should be allowed as a lien on the compensation. The same is true of the allowance of attorney fees on appeal. In lines 22 to 25, inclusive, Page 2 of the printed bill, it says "the circuit court having jurisdiction over the appeal from the commission, shall have the right, when requested by the employee *or his attorney in writing,* to fix and determine the fairness and reasonableness of such attorney's fees." (underscoring mine) This provision will permit the circuit court on request of the attorney in

writing, and without the consent of the employee, to determine the attorney fees. I think the present law whereby the necessity and reasonableness of the attorney fees is left to the Commission is the safer and better practice. This bill will tend to confuse by dividing the jurisdiction as to fixing and determining attorney fees between the Workmen's Compensation Commission and the courts.

I seriously question the validity of the emergency clause. However, assuming that it is valid, then the same reason and argument can be used in behalf of the injured employee or his widow and dependent children with reference to the war and the high cost of living, because they are paying the bill, it is coming out of their compensation, and the war and the high cost of living affects the injured employee or his widow and dependent children just the same as it does the lawyer. I do not think the facts justify the emergency clause.

Apparently the sole purpose of Committee Substitute for House Bill No. 232 is to allow larger fees for attorneys representing claimants. This bill will add to the cost of litigation. This increase might be borne by the injured laboring man, or his widow and dependent children, at the present time, but I seriously doubt their ability to bear it when wages are reduced after the war.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JULY 24, 1945

From the Journal of the Senate, pp. 1203-1205

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 24, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 65, entitled:

"An Act to repeal Section 5728 of an Act of the Sixty-second General Assembly in Extraordinary Session approved April 29, 1944 appearing at pages 45 to 48, inclusive, of the Laws of Missouri, 1944, Extraordinary Session, relating to the annual license fees on motor carriers for the transportation of persons and property by motor vehicle and enacting in lieu thereof a new section to be known as Section 5728 relating to the same subject matter."

Senate Bill No. 65 repeals Section 5728 of an act of the 62nd General Assembly, Extraordinary Session, 1944, Laws of Missouri, Extra Session, 1944, page 45.

The principal changes sought to be effected by Senate Bill No. 65 are the the elimination of fees for alternate vehicles, the elimination of the present provisions requiring the license issued by the Public Service Commission for a specific vehicle and in lieu thereof issuing the license to the motor carrier, and changing the method of determining the amount of the license fee for vehicles used as common carriers of freight.

Under the provisions of the act passed by the 62nd General Assembly, Regular Session, found in Laws of Missouri, 1943, page 864, there was this provision:

"Section 5728, subsection (e). The annual license fee required by this article is intended to cover only the motor vehicle for which it is issued and none other; . . ."

At the time this act was passed the Public Service Commission had a rule or regulation in effect whereby the motor carrier could use at least two alternate vehicles upon the payment of a certain fee. The 1943 act conflicted with this rule of the Commission because the act limited the license fee to the particular vehicle and none other. At the Extraordinary Session of the General Assembly in 1944 an act was passed amending the 1943 act. This is found in Laws of Missouri, 1944, Extraordinary Session, pages 45 to 48, inclusive. In subsection (e) of the 1944 act provision was made permitting a carrier to describe on his annual license card not more than two emergency vehicles of weight carrying capacity not

greater than that of the regularly licensed vehicle upon the payment of an annual fee of $5.00 for each alternate vehicle described on said annual license card. There also was written into this section the following sentence: "Only one of such three vehicles as shown on the annual license card may be operated in the State at any one time." There is no question but that the fees charged for alternate or emergency vehicles will be eliminated under the provisions of Senate Bill No. 65, and a drastic reduction in the fees of travel orders.

Under the provisions of subsection (e), page 4, line 97 of Senate Bill No. 65 (the Truly Agreed To and Finally Passed bill), the license or permit card required of a motor carrier is intended to cover any vehicle operated by such motor carrier having a seating or weight carrying capacity not greater than that described by the permit card. This provision will make it impossible to enforce the provision found in subsection (a), page 3, lines 41 to 45, inclusive, which is as follows: "In case of emergency or usual temporary demand for transportation, the license fee on additional motor vehicles for limited periods shall be fixed by the commission in such reasonable amount as may be prescribed by general or temporary order."

With the license or permit card permitted to be used on any vehicle of similar capacity the Commission would be unable to enforce the collection of any fee it might fix for the use of an emergency or temporary vehicle. There would be no way of determining whether the vehicle in use was the regular one or an emergency vehicle. It is difficult to estimate the amount of revenue that the State would lose by this elimination of fees for the benefit of the motor carrier.

In addition to eliminating fees for the operation of emergency vehicles, subsection (e) of Senate Bill No. 65, by authorizing the use of the license or permit to cover any vehicle of similar capacity operated by the carrier, does away with the necessity of identifying the vehicle for which the license is issued and any requirement that a license should be required for a special vehicle, as seems to be contemplated under the provisions of subsection (e) of the existing law.

Subsection (e) is also ambiguous in that it fails to make clear whether it is the intention of the General Assembly to

authorize the use of one license or permit to cover the operation of several vehicles of similar capacity at the same time, or to restrict the use of one license or permit card to one vehicle at one time.

With the General Assembly specifically saying the license card or permit card is intended to cover any vehicle of similar capacity operated by the carrier the conclusion might be reached that several vehicles of similar capacity could be operated at the same time under one license or permit card. This is especially true in view of the fact that the sentence above quoted, to wit: "Only one of such three vehicles as shown on the annual license card may be operated in the State at any one time." is omitted from subsection (e) of Senate Bill No. 65. There is no question but that the present law limits the use of the license or permit card to one vehicle at one time.

The portion of the next sentence of subsection (e) in parentheses seems to limit the use of the license or permit card to one vehicle at a time by requiring that the license or permit card be displayed in or on any vehicle operated thereunder. Up to the beginning of the parentheses there is nothing in subsection (e) to indicate that several vehicles of similar capacity might not be operated under one license or permit card at one time. No identification of the vehicle is required and if it is possible to secure duplicate permit cards a carrier inclined to evade the law could operate as many vehicles at the same time as duplicate permit cards could be procured for.

Subsection (e) is [in?] regard to the ambiguity and the possibility to evade the law is an unsatisfactory subsection.

The next question is the change in the method of determining the license.

Under the existing law the amount of the license fee is determined by the manufacturer's rated load capacity or the actual weight carrying capacity of the vehicle. By the provisions of subsection (c) of Senate Bill No. 65 the amount of the license is to be determined by the "actual pay load or weight carried." Under subsection (c) of the 1944 act the Public Service Commission is authorized to determine the weight carrying capacity of the vehicle. Senate Bill No. 65 does not authorize the Commission to determine the "actual

pay load or weight carried," nor are these words defined at any place in the bill. This puts the Commission in the position of having to collect a license fee upon an undefined basis, and requires a consideration of these words "actual pay load or weight carried" in an attempt to determine their meaning and how the Commission would apply the meaning of them in collecting the license fee. The words have no technical meaning and should be taken in their usual and ordinary meaning. Applying this test the words "actual pay load" means the quantity of freight transported for which the fixed schedule of tariff has been collected or will be collected; and the words "weight carried" means the amount of freight which has been transported, measured in pounds, hundredweight or tons. Using these meanings for the words which give the method by which the Commission is to determine the fee it is obvious that the Commission could never determine the amount of the license fee for a vehicle. The Commission could not know the actual pay load of a vehicle or how much weight it had carried in order to collect a fee in advance for the operation of the vehicle as a motor carrier. Such a situation would be absurd, unreasonable, and the law inoperative.

This bill does not prescribe a method for the Commission to determine the amount of license to be charged. In this situation the only alternative is that the Commission would be required to accept the statement of the motor carrier as to the capacity of the vehicle as to the amount of the "actual pay load" it could transport "or the amount of weight" it could carry. This would result in a situation rendering the statute unenforceable because of the failure to provide a method for the Commission to use in determining the capacity of the vehicle, to define the meaning of the words, and to authorize the Commission to make the determination.

In conclusion it is my opinion that subsection (c) of Senate Bill No. 65 is unenforceable and invalid; that subsection (e) is ambiguous and indefinite.

There is no question but what the revenue of the State would be reduced under the provisions of this bill and in

view of the ambiguous and indefinite provisions of this bill it is my opinion that it should not become a law.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 2, 1945

From the Journal of the Senate, pp. 1210-1217

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 2, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Committee Substitute for Senate Bill No. 113, entitled:

"AN ACT

"Granting and ceding to the United States exclusive jurisdiction over certain lands and improvements thereon located in the State of Missouri, for the purpose of establishing, creating, erecting and maintaining a United States Veterans' Facility for veterans of all wars, and authorizing the governor of Missouri to make, execute and deliver proper deeds of conveyance to such lands for the consideration of one dollar, and upon delivery of the proper deeds of conveyance, to cede to the United States exclusive jurisdiction over such lands saving and reserving to the State of Missouri the right of taxation, and further saving and reserving to the State of Missouri the right to serve thereon any civil or criminal process issued under the authority of the State, and fixing the conditions under which such jurisdiction shall terminate, with an emergency clause."

Committee Substitute for Senate Bill No. 113 and Senate Bill No. 157 are companion bills and will be discussed together.

Committee Substitute for Senate Bill No. 113 gives the consent of the State of Missouri to the United States for the acquisition of certain lands and improvements thereon, and empowers, authorizes, and directs the Governor to make, execute, and deliver proper deeds of conveyance of such lands and improvements to the United States for the consideration of $1.00 when application is made to the Governor for the purpose provided in the act; and further provides that delivery of proper deeds shall cede to the United States jurisdiction over the lands in question for the purpose of establishing, creating, erecting, and maintaining a United States Veterans' Facility for the veterans of all wars. The land in question is the land conveyed to the State of Missouri by the Confederate Home of Missouri, a corporation organized under the provisions of Article 10, Chapter 21, Revised Statutes of Missouri, 1879, pursuant to an act of the legislature found in Laws of Missouri, 1897, page 26. Said Committee Substitute for Senate Bill No. 113 gives exclusive jurisdiction over the lands so acquired by the United States and attempts to reserve to the State of Missouri the right of taxation, and further reserves to the State the right to serve thereon any civil or criminal process. Said act further provides that the jurisdiction so ceded to the United States shall continue no longer than the United States shall own such lands and use the same for the purposes for which they were acquired. However, the act does not provide, nor require the deed in question to do so, that the lands will revert to the State of Missouri if the United States fails to use the lands for the purposes for which they were acquired. The act also contains a purported emergency clause.

Senate Bill No. 157 authorizes the Board of Managers of the State Eleemosynary Institutions to rent or lease suitable quarters situated in or near Higginsville, Missouri, to house and care for any and all Confederate veterans and the aged and infirm wives and widows of said veterans now resident in the Confederate Home at Higginsville, Missouri. (Underscoring mine.) This act does not authorize said Board of Managers to rent or lease suitable quarters for any other ex-

Confederate soldiers and sailors, their wives, widows, and orphans as provided for in the original act creating the Confederate Home as a State institution. Said act also omits the orphans of the ex-Confederate soldiers and sailors. Said act has an emergency clause which provides in part that

> "Since there is a need for the establishment of a suitable home in or near Higginsville, Missouri, for the care and maintenance of such Confederate veterans and the aged and infirm wives and widows of said veterans now resident at the Confederate Home."

A brief history of the Confederate Home is necessary to understand the effects of Committee Substitute for Senate Bill No. 113 and Senate Bill No. 157. The Confederate Home was originally owned and operated by a corporation organized as a benevolent corporation under the provisions of Article 10, Chapter 21, Revised Statutes of Missouri, 1879. The legislature in 1897 passed an act found in Laws of Missouri, 1897, pages 26 to 28, inclusive, approved March 1, 1897, declaring in Section 1 of said act, the institution known as the Confederate Home situated near Higginsville in Lafayette County, Missouri, to be an eleemosynary institution of the State of Missouri, in which infirm and dependent ex-Confederate soldiers and sailors, their wives, widows, and orphans may be maintained and cared for.

By Section 2 of said act the State of Missouri assumed the maintenance and support of said Confederate Home for the term of twenty years, or so long as it shall be needed for the purpose of Section 1. (Underscoring mine.) It further provided, that in consideration of this action upon the part of the State, the present executive committee of said Confederate Home shall convey to the State of Missouri all property of said Confederate Home now owned and held by it, consisting of 362.86 acres of land more or less near Higginsville, Lafayette County, Missouri, except 2.86 acres for a cemetery lot, together with all improvements thereon, and all personal property at said Home. Said act further provided that the deed, after being duly recorded shall be deposited with the Secretary of State. The control and management was vested by said act in a Board of Managers.

Pursuant to said act the corporation, the Confederate Home of Missouri, through its officers, conveyed to the State of Missouri the land in question by deed on the 16th day of March, 1897. Said deed provided in part that the officers of said Home

> "do hereby pursuant to an act of the legislature of Missouri approved March 1, 1897, and in consideration of the assumption of the State of Missouri of the maintenance and support of said Confederate Home for the term of twenty years or so long as it shall be needed for the maintenance and care of infirm and dependent ex-Confederate soldiers and sailors, their wives, widows and orphans, all as contemplated and provided in the aforesaid act of the legislature of Missouri, approved March 1, 1897, convey, grant, bargain and sell in fee simple forever unto the State of Missouri, the following described tracts or parcels of land situate in Lafayette County, State of Missouri, near the town of Higginsville, Missouri, known as the Confederate Home of Missouri, to-wit:"

(The 362.68 acres of land is described by metes and bounds, except 2.68 acres to be used as a cemetery lot.) This being the same land described in Committee Substitute for Senate Bill No. 113.

Said Act of 1897 has been amended from time to time and Section 2 thereof has not been carried forward in the later revisions of the statutes; however, it has never been repealed and, in my opinion, could not have been repealed. The Confederate Home, however, has been maintained and supported by the State for the purposes set out in the deed and Act of 1897 since the land was conveyed to it pursuant to said act.

The Board of Trustees of the Confederate Home on December 1, 1924, passed a resolution in which it was stated that the Board of Trustees were trustees of an endowment funds of $19,000 under the provisions of the will of C. T. Jaquith for the "use and benefit of the Confederate Home," and that other endowment money was available, and that it was to the best interests of the State that certain described land be set aside for all time to come as a Memorial Park.

Said resolution petitioned the 63rd General Assembly of Missouri and the Governor to approve said designation of the lands for that purpose, and that the legislature be requested to approve and agree to accept for permanent maintenance the earnings of endowment moneys coming into the hands of the Board of Trustees for the purpose of permanent maintenance of said part for all time to come. The land so designated in the resolution was a part of the land conveyed to the State of Missouri as aforesaid and accepted by it under the Act of 1897. The part so designated for a Memorial Park being approximately 92 acres.

The legislature in 1925, Laws of Missouri, 1925, page 136, authorized the Board of Trustees of the Confederate Home to accept gifts, donations, and bequests, including gifts, donations, or bequests already given, offered or provided for, from any private source or sources not exceeding in the aggregate $75,000, the same to be set apart and maintained as a permanent endowment for the maintenance of the grounds thereafter described. Said act further provided that the Board of Trustees was empowered and authorized to invest the moneys so derived and use the income therefrom for the maintenance of said grounds, but the principal thereof should remain intact as a permanent endowment fund. Said act further provided that in consideration of the bestowal of any such gifts, donations, or bequests for the purposes above mentioned, certain described lands, which were a part of the land used by the Confederate Home shall be and are hereby set apart as a permanent Memorial Park to the valor of Confederate soldiers. (Said land being approximately 92 acres and described in Section 15135, Revised Statutes of Missouri, 1939.)

Certain gifts and donations have been received by the Board from time to time, and at one time members of the Daughters of the Confederacy were assessed for the purpose of building up said endowment fund.

Pursuant to said Act of 1925 the land described therein was dedicated as a park, and the income from the endowment fund has been used for the maintenance of said grounds as a permanent Memorial Park to the valor of Confederate soldiers. The General Assembly in 1943, Laws of Missouri, 1943, pages 953 to 955, inclusive, provided that the Board of Trustees of the Confederate Home should be abolished and

the control and management of said Home be transferred to the Board of Managers of the State Eleemosynary Institutions. Said act further provided that the Board of Managers of the State Eleemosynary Institutions, shall continue to maintain the Confederate Home and Memorial Park at Higginsville, Missouri, for the purpose for which it was established so long as it shall be needed for the maintenance and care of the infirm and dependent ex-Confederate soldiers and sailors, their wives, widows, and orphans. Said Act of 1943 made said Board of Managers the custodian of any endowment funds, to be set apart and maintained as a permanent endowment for the maintenance of the grounds described in Section 15135, Revised Statutes of Missouri, 1939, which grounds were those designated as a permanent Memorial Park.

Said Act of 1943 further provides that it shall be the duty of the Board of Managers of the State Eleemosynary Institutions to designate one suitable building, closely associated with the care of the Confederate veterans and their survivors as a memorial building, in addition to the Memorial Park, upon which shall be placed a suitable plaque and to select and purchase a suitable commemorative stone to be erected upon the grounds of the Memorial Park, which plaque, park, and monument shall stand as a perpetual memorial to the valor of those who served the Confederacy in the War between the States.

Said Act of 1943 further provides that the Board of Managers of the State Eleemosynary Institutions shall have full power in its discretion to transfer to said Home any aged, infirm person who now is or hereafter may be properly within its jurisdiction as an inmate of any State Hospital; provided, that said transfer shall not interfere with the purpose for which said Home was established.

From the above it is plain that the Confederate Home of Missouri in 1897, which was then a benevolent corporation, conveyed the land in question (362.68 acres) to the State of Missouri in consideration of the assumption by the State of Missouri of the maintenance and support of said Confederate Home so long as it shall be needed for the maintenance and care of infirm and dependent ex-Confederate soldiers and sailors, their wives, widows, and orphans. It is also apparent that the State of Missouri, by the Act of 1897, accepted said

lands as conveyed and assumed the maintenance and support of said Confederate Home so long as it was needed to care for infirm and dependent ex-Confederate soldiers and sailors, their wives, widows, and orphans.

In my opinion, there is no question that the entire transaction between the original grantors and the State of Missouri constituted a valid contract between the corporation and the State of Missouri and that both parties are legally and morally bound by the terms thereof. (Franklin vs. Moss 101 S. W. (2nd) 711 l. c. 714.)

Ordinarily a law enacted by one legislature may be repealed by a succeeding legislature; however, there are exceptions to this rule. Section 13 of Article I of the Constitution of Missouri of 1945 provides

> "That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges or immunities, can be enacted."

If Senate Bill No. 157 and Committee Substitute for Senate Bill No. 113 impair the obligation of the State of Missouri to maintain the Confederate Home so long as it shall be needed for the maintenance and care of infirm and dependent ex-Confederate soldiers and sailors, their wives, widows, and orphans, they would, in my opinion, be in violation of Section 13 of Article I of the Missouri Constitution. That they do this is apparent from the wording of said acts and particularly Section 4 of Senate Bill No. 157, which provides as follows:

> "Since there is a need for the establishment of a suitable home in or near Higginsville, Missouri, for the care and maintenance of such Confederate veterans and the aged and infirm wives and widows of said veterans now resident at the Confederate Home, an emergency exists within the meaning of the Constitution of Missouri, and this act shall be in full force and effect from and after its passage and approval."

As pointed out above, this act does not even attempt to provide for any other qualified persons than those now resi-

dent at the Confederate Home. (Underscoring mine.) As shown above, the legislature in 1925 authorized and empowered the Board of Trustees of the Confederate Home to accept gifts, donations, and bequests from any private source or sources to be set apart and maintained as a permanent endowment for the maintenance of the grounds thereafter described as a permanent Memorial Park to the valor of Confederate soldiers. By said act the legislature in consideration of any such gifts, donations, or bequests set apart certain designated lands as a permanent Memorial Park. Bequests, gifts, and donations have been solicitied and accepted for the maintenance of said Park and at the present time said endowment fund amounts to approximately $25,000.00. I believe that the acceptance of such gifts, donations, or bequests under the terms of said act would create a valid contract between the donors and the State of Missouri, and the failure of the State of Missouri to maintain the permanent Memorial Park in question as provided in said act would constitute a breach of its obligation to persons who had been induced to make gifts, donations, and bequests. An act of the legislature attempting to deed or cede lands set apart as a permanent Memorial Park would be an act impairing the obligation of the State and, to say the least, would be a breach of trust on the part of the State.

It is my opinion that Committee Substitute for Senate Bill No. 113 authorizing the Governor to convey and ceding to the United States certain lands now used for the care and maintenance of infirm and dependent ex-Confederate soldiers and sailors, their wives, widows, and orphans and for a permanent Memorial Park to the valor of Confederate soldiers is a breach of the State's contractual obligations, in violation of Section 13 of Article I of the Constitution of Missouri and is therefore unconstitutional and void.

Said Committee Substitute for Senate Bill No. 113 is, in my opinion, further unconstitutional for the reason that it attempts to reserve to the State of Missouri the right of taxation to the same extent and in the same manner as if the land in question was not ceded to the United States. Section 43 of Article III of the Constitution of Missouri provides in part

> ". . . No tax shall be imposed on lands the property of the United States: . . . ."

In addition to the unconstitutionality of Committee Substitute for Senate Bill No. 113 I think there is another reason why said act should be voted [vetoed].

At State Hospital No. 1, Fulton, there are 2515 inmates. If they had the facilities, personnel, and funds at this institution they could accommodate 2982 patients. There is an over-crowding of elderly patients. At the present time there are 26 on the waiting list.

At State Hospital No. 2, St. Joseph, they have 2666 inmates. The normal capacity of this institution is approximately 2020 inmates. They have approximately 650 in excess of their normal capacity. They have 29 on their waiting list in addition to several that have been accepted but have not been delivered to the institution. The principal over-crowding at this institution is in the aged group.

At State Hospital No. 3, Nevada, they have 2128 inmates and their normal capacity is approximately 1530. They also have approximately 35 on their waiting list.

At State Hospital No. 4, Farmington, they have 1830 inmates, the normal capacity of this hospital is 1600. They have on file 243 requests for admission to the institution. They are unable to admit these people because of the over-crowded condition of the institution.

At the Missouri State School at Marshall they have 1738 patients enrolled and while they have some beds unoccupied this is approximately their capacity. Some of their wards are slightly over-crowded due to classification; however, this institution has 850 applicants on their waiting list.

The above information demonstrates the over-crowded conditions at our eleemosynary institutions.

The Confederate Home at Higginsville consists of the following buildings and property:

Administration Building, two story brick, six bedrooms upstairs and four rooms and a hall downstairs.

Men's dormitory and hospital, two story brick building (main building with an ell) with seven large rooms and a large dormitory upstairs, seven rooms and a dining room and kitchen on the main floor, also a basement. This building will easily accommodate 300 people.

Hospital building, two story brick, seven rooms upstairs, the downstairs can be made into wards and rooms and accommodate approximately thirty people.

Women's dormitory and hospital, two story brick building, twelve rooms upstairs and nine rooms downstairs, with kitchen and dining room.

Office and commissary building, one story brick.

With the exception of one building, which was slightly damaged by fire, all of the above brick buildings are in fairly good condition and with the expenditure of a reasonable amount of money could be used very nicely.

One two story frame building, used by the Superintendent.

Seventeen (17) frame residence buildings. The roofs on these buildings are all in good condition and the buildings are in fairly good repair. A number of these frame buildings are four and five room houses.

One church building.

A number of the brick buildings have several hundred dollars worth of furnishings in the unoccupied rooms.

There is also a power plant, dairy barn, garage, green house, and other small buildings on the premises.

There is a herd of cattle, other livestock, and considerable farm equipment.

A special committee of the House of Representatives of the 63rd General Assembly made a report on the condition of the property at the Confederate Home at Higginsville and its report will be found in the House Journal of March 21, 1945, at page 443.

In my opinion, the facilities of the Confederate Home, which are not needed for the maintenance and care of infirm and dependent ex-Confederate soldiers and sailors, their wives, widows, and orphans, are needed and could be used for the care of the overflow of patients in the various State Hospitals. In fact, many harmless, aged, infirm persons now inmates in the State Hospitals could undoubtedly be better cared for in these buildings at the Confederate Home than in the present hospitals where they are now confined. If this were done, more persons who are mentally afflicted could be cared for at the State Hospitals.

As above stated, under the provisions of the Act of 1943, the Board of Managers of the State Eleemosynary Institutions now have full power and authority to transfer to the Confederate Home any aged, infirm person who is an inmate of any State Hospital. By the expenditure of a reasonable sum of money the buildings at the Confederate Home could be put in condition to take care of several hundred of the patients at the four State Hospitals and thereby greatly relieve the over-crowded condition at these hospitals.

I respectfully recommend that the General Assembly give serious consideration to the passage of an appropriation sufficient to put these buildings in condition and equip them for the above purpose.

Committee Substitute for Senate Bill No. 113 empowers, authorizes, and directs the Governor to make, execute, and deliver deeds of conveyance of the Confederate Home property, and improvements thereon, to the United States for the consideration of $1.00.

As above stated the Confederate Home is an eleemosynary institution and under the provisions of Section 9272, Revised Statutes of Missouri, 1939, the title of all real estate, or personal property now owned by the eleemosynary institutions, or by the State for their use, is vested in the Board of Managers of the Eleemosynary Institutions for the use and benefit of said institutions.

While I believe that the General Assembly has the authority to authorize the sale of any real estate owned by any of the eleemosynary institutions, yet, there is a serious question in my mind as to whether the Governor has the authority to execute a deed for the conveyance of land owned by an eleemosynary institution when the title to the land is vested by statute in the Board of Managers of the Eleemosynary Institutions.

But whether or not the Governor has the authority to execute a deed conveying the Confederate Home property to the United States government for the consideration of $1.00, I do not want to be a party to giving away all of the buildings and property which constitute the Confederate Home when I believe that these buildings and property can be repaired, equipped, and used to advantage by the State for the purposes above indicated.

No provision is made in either of these bills, if they should become the law, for the disposition of the endowment fund of $25,000.00 or any other personal property at said institution.

For the reasons hereinabove set forth, I do not believe that these bills should be approved and are therefore vetoed.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 2, 1945

From the Journal of the Senate, p. 1217

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 2, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 157, entitled:

"AN ACT

"Authorizing the board of managers of the state eleemosynary institutions to rent or lease a suitable property in or near Higginsville, Missouri, to house, care for and maintain, such Confederate veterans and the aged and infirm wives and widows of said veterans now resident in the Confederate Home, and providing powers and duties of said board in regard to the control and maintenance of said home, and for the admission and transfer of certain persons from the Confederate Home to said home; with an emergency clause."

In view of the fact that I vetoed Committee Substitute for Senate Bill No. 113, Senate Bill No. 157 is also vetoed. My reasons for vetoing this bill are set forth in the message attached to Committee Substitute for Senate Bill No. 113, dated August 2, 1945.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

AUGUST 3, 1945

From the Journal of the Senate, pp. 1217-1220

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

August 3, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 126, entitled:

"AN ACT

"To repeal Sections 13387, 13388, 13392, 13393, 13394 and 13395, of Article 1, all in Chapter 99; and Section 9179, of Article 9, in Chapter 48; and Sections 2065 and 2073, of Article 2, in Chapter 10; and Section 2214 of Article 4, in Chapter 10; and Section 2286, of Article 5, in Chapter 10; and Section 2311, of Article 6, in Chapter 10, all Revised Statutes of Missouri, 1939, all relating to the salaries and expenses of Judges of the Supreme Court, the Courts of Appeals, Circuit Courts, the St. Louis Court of Criminal Correction, and the Cape Girardeau Court of Common Pleas; and enacting three new sections in lieu thereof, relating to the same subject matter of the salaries and expenses of such Judges; providing that the salaries and expenses herein provided shall

constitute the total salaries and expenses of said Judges, that said Judges shall receive no other salaries, expenses, or compensation for any duties required to be performed by them under the law, repealing all other conflicting laws."

A protest was filed with Senate Bill No. 126 under the provisions of Section 30, Article III of the Constitution of Missouri, 1945. One of the reasons alleged in said protest was that the compensation of the judges of the Supreme Court and the other judges included in the bill was in direct contravention of Section 13, Article VII of the Constitution of Missouri, 1945, which provides:

"The compensation of state, county and municipal officers shall not be increased during the term of office; . . . ."

Said protest also referred to Section 24 of Article V of the Constitution of Missouri, 1945, which provides:

"All judges shall receive as salary the total amount of their present compensation until otherwise provided by law, but no judge's salary shall be diminished during his term of office. . . . ."

I do not believe there is any conflict between these two provisions of the Constitution. Article VII deals with public officers and Section 13 thereof refers to State, county and municipal officers. While I consider a judge a State officer yet this section is general in its terms.

Article V deals exclusively with the judges. I believe Section 24 thereof is specific in its application and, therefore, the provisions of Section 24 of Article V would govern over the provisions of Section 13 of Article VII because they are specific. Said Section 24 of Article V says that no judge's salary shall be diminished during his term of office. It does not say that it shall not be increased.

There being no conflict between these two provisions of the Constitution, I believe that the General Assembly has the authority to increase the salaries of the judges during their term of office.

With reference to the merits of the bill, I believe that this bill is too broad in its scope and undertakes too many increases in salary at one time. Some of the increases are too high and unjustified. I do not believe that the salary increases of the judges of all the courts of the State should be included in one bill. The Supreme and Appellate Judges could be included in the same bill; however, the circuit judges should be in a separate bill. For instance, during this present General Assembly the salary of the circuit judges of St. Louis County was increased $1500.00 per annum for each circuit judge in said county, making their salary $8000.00 per year. This was done by House Bill No. 78 which was approved. The bill passed the General Assembly as it was originally written; the judges of St. Louis County received what they asked for. They were satisfied. Senate Bill No. 126 gives them an additional increase of $1000.00 per year. I do not think it is fair to do this and that is one reason why I think there should be separate bills so that a situation of this kind may be taken care of. Other instances of substantial increases in salary in Senate Bill No. 126 is the circuit judge in Pettis County. He now receives $4700.00 per year and is increased by this bill to $8000.00 per year. There is only one county in this circuit and, of course, the judge is in his home county all the time. The judge of the St. Louis Court of Criminal Correction is increased from $4000.00 per annum to $7000.00 per annum. There are other increases which I think are out of line and make inequalities in this bill.

At the present time the salary of the circuit judges in the City of St. Louis is $8000.00 per year. The salary of the circuit judges in St. Louis County, since the enactment of House Bill No. 78, is $8000.00 per year. The salary of the circuit judges in Jackson County is $8000.00 per year. All of the these judges are in their own county or city and do not have to leave their home county to hold court. The outstate circuit judges, whose circuits comprise more than one county, receive compensation at the rate of $6000.00 per year; however, $1200.00 of this amount is for expenses, (Section 13393) because of the fact that they are away from their home county a greater part of the time holding court. In reality this makes their net salary $4800.00. I think these outstate circuit judges are entitled to an increase in salary before some

of the other circuit judges have their salaries increased, for the reason that the outstate judges are compelled to hold court in several counties and have their traveling and other expenses to pay, while the circuit judges in St. Louis City and the counties above mentioned do not have to leave their home county and, of course, have no such expenses. There are several circuits in the State which have six counties, each county generally has three regular terms of court each year and very often adjourned terms. This means that the rural circuit judge, who has six counties, is holding at least fifteen regular terms of court each year away from home in addition to the adjourned terms. This bill does not correct this situation. For instance, the judges in St. Louis City, St. Louis County, and Jackson County would receive $9000.00 per year under the terms of this bill and although the bill provides for a salary of $8000.00 for outstate circuit judges, they would not receive this full amount because Section 13393, the section under which they now receive their expenses, is repealed outright by Senate Bill No. 126 and no section enacted in lieu thereof. This means that the outstate circuit judges would have to pay their expenses while holding court away from home, which expenses would have to be deducted from their salary. On the present basis of $1200.00 per year for expenses under Section 13393, this would mean that their net salary would be $6800.00, while the above mentioned circuit judges doing similar work and remaining in their home county or city all of the time and under no expenses for being away from their home county or city would receive $9000.00 per year. I think these inequalities should be corrected before there is a blanket increase of salaries for all judges.

Another provision of this bill that does not meet my approval is that, under the present law, the salaries, and in some instances part of the salary and expenses of the circuit judges, are paid by the counties and the City of St. Louis, while under the provisions of Senate Bill No. 126 the whole salary load is shifted to the State. For instance, in the City of St. Louis at present the State pays $2000.00 per year of the salary of each circuit judge and the balance of $6000.00 per year is paid by the City of St. Louis. There are eighteen circuit judges in St. Louis, which means a shift of $108,000 per year from the City of St. Louis to the State by this bill.

In St. Louis County $6000.00 of the $8000.00 received by the circuit judges is paid by St. Louis County; there are four judges in St. Louis County, making a shift of $24,000.00 from the county to the State. In Jackson County $6000.00 of the $8000.00 which the circuit judges receive is paid by Jackson County. There are ten judges in Jackson County, making a shift of $60,000.00 from the county to the State by this bill. In Buchanan County the salary of the circuit judge is $6000.00; $4000.00 of this amount is paid by Buchanan County. There are three judges in this county, making a shift of $12,000.00 from Buchanan County to the State. In Greene County the county pays $4000.00 of the judge's salary of $6000.00; there are two circuit judges in Greene County, making a shift of $8000.00 to the State. In Pettis County, one judge, $1200.00 of his salary is paid by the county which would be shifted to the State. In Jasper County $2500.00 of the salary of each of the circuit judges is paid by the county. There are two circuit judges, which would be $5000.00 per year shifted from the county to the State. This makes a grand total of $218,200.00 per year which is shifted to the State by this bill. In addition to that, the increases in salaries provided for by Senate Bill No. 126 amount to $145,950.00 per year, which added to the sum of $218,200.00, which the State would have to pay if this bill were enacted, would make a grand total of $364,150.00 per year additional which the State would have to pay, above what it now pays.

No doubt the State could pay this increase in salary at the present time, but increases in the cost of government must be closely watched because they may become a real burden when normal times return. I recognize the fact that substantial salaries should be paid the judiciary in order to have efficient and qualified lawyers serve as judges of our courts. However, this bill, in my opinion, has too many inequalities in the increase of salaries.

Senate Bill No. 126 repeals Section 13394, Revised Statutes of Missouri, 1939, and does not enact any section in lieu thereof. The repeal of this section does away with jury commissioners in the rural counties of Missouri. I think the circuit judges in rural Missouri have rendered a valuable service as jury commissioners in assisting the county courts to prepare jury lists and drawing the names of jurors as is provided

for by law at the present time. We cannot have too many safeguards in the selection of jurors who are to pass upon the life, liberty, and property of our citizens. The repeal of Section 13394 will take away the supervision of the circuit judges over the selection of the jury lists and again leave it with the county courts, which I do not believe should be done. If this section (13394) is to be repealed then certainly some provisions pertaining to the circuit judges acting as jury commissioners should be enacted in lieu thereof.

For the above reasons I do not believe that this bill should be approved.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 1945

From the Journal of the House of Representatives, pp. 1855-1857

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

October 11, 1945.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, House Bill No. 195, entitled:

"AN ACT

"Relating to recorders in all counties in the state of Missouri which now have or which may hereafter have 19,000 inhabitants or more, but not to exceed 200,000 inhabitants, according to the last decennial census of the United States; providing that the County Court shall compensate the recorder fifty cents for services in recording a discharge of a member of the armed forces and fifty cents for furnishing a certified copy of any public documents to certain persons, with an emergency clause."

I vetoed House Bill No. 195 for the following reasons:

I.

The title to House Bill No. 195 does not contain a reference to that part of the body of the act which provides that the county court in the counties affected by the act shall compensate the recorder of deeds "one dollar for recording or furnishing a certified copy of each power of attorney or instrument revoking the same if executed by a member of the armed forces of the United States, women's organization auxiliary thereto, or anyone bound by law to report for induction thereinto."

Section 23 of Article III of the Constitution of 1945 is as follows:

> "No bill shall contain more than one subject which shall be clearly expressed in its title, except bills enacted under the third exception in section 37 of this article and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated."

Where the title to an act descends to particulars and matters are included in the body of the act but are not enumerated in the title, the act is void as to those not included in the title. (State v. Sloan, 258 Mo. 305, 167 S. W. 500; State ex rel. v. Hackmann, 292 Mo. 27, 237 S. W. 742. Rauch v. Himmellberger, 305 Mo. 70, 264 S. W. 658.)

I am of the opinion that the title to House Bill No. 195 does not comply with Section 23 of Article III of the Constitution of 1945 and is therefore invalid.

II.

Under the provisions of Section 8 of Article VI of the Constitution of 1945, general laws for the organization and classification of counties must be made and the number of classes shall not exceed four. Under the provisions of Section 11 of said Article VI, the compensation of all county officers shall be prescribed by law uniform in operation in each class of counties. It is impossible to say whether or not House Bill No. 195 would comply with the above provisions until

laws have been enacted classifying the counties as required by Section 8 of Article VI.

House Bill No. 195 attempts to enact a law operative in all counties within the population limits designated without excepting counties which frame, adopt and amend a charter for their own government. This exemption is required under Section 11 of said Article VI. I also call attention to the fact that under Section 18a of Article VI, any county having more than eighty-five thousand inhabitants, according to the census of the United States, may frame and adopt and amend a charter for its own government; and under the provisions of Section 18b of said Article VI, such charter must provide for the salaries of the county officers. If a county having more than eighty-five thousand inhabitants should adopt a special charter for its own government the same would conflict with the provisions of House Bill No. 195.

III.

House Bill No. 195 applies to all counties in excess of 19,000 inhabitants and not in excess of 200,000 inhabitants. Section 12 of Article VI provides that all county officers in counties having 100,000 or more inhabitants excepting public administrators and notaries public, shall be compensated for their services by *salaries* only. House Bill No. 195 conflicts with said Section 12 of Article VI. However, according to the last decennial census, there is no county in Missouri now having a population between 100,000 and 200,000 inhabitants. The unconstitutional inclusion of from 100,000 to 200,000 would probably not invalidate the remainder of the act if it were otherwise constitutional.

IV.

House Bill No. 195 states "it shall be the duty of the County court . . . to compensate the recorder of deeds fifty cents for recording each discharge . . . and fifty cents for furnishing a certified copy . . . and one dollar for recording or furnishing a certified copy of each power of attorney . . . ."

Section 13 of Article VII of the Constitution of 1945 is as follows:

"The compensation of state, county and municipal officers shall not be increased during the term of office; nor shall the term of any officer be extended."

House Bill No. 195 says specifically to "compensate." "Compensation" as used in said Section 13 includes salary, fees, pay or remuneration for official services performed. Said Section 13 states that the compensation of county officers shall not be increased during the term of office. It is my opinion that House Bill No. 195 clearly provides for an increase in compensation for county recorders. Said bill has an emergency clause. If the emergency clause is valid and the bill is signed by the Governor it would become effective at once and apply to the recorders now in office in violation of said Section 13 of Article VII. If the emergency clause should be construed to be invalid the bill would still apply to the present incumbents in office because there is no provision in the bill withholding its effective date until the beginning of the terms of the next county recorders.

House Bill No. 195 applies to other counties than those in which the recorder receives only fees as compensation because there are special statutes giving the recorder a certain set salary in those counties which fall within certain population groups, which groups are within the purview of House Bill No. 195. In these population groups which are within the purview of House Bill No. 195, there are sections of the Revised Statutes of Missouri, 1939, with which House Bill No. 195 conflict. For instance, Section 13487, Revised Statutes of Missouri, 1939, provides that the salary of the recorder of deeds in counties containing a city of between 75,000 and 200,000 inhabitants shall be $3500.00 per annum. House Bill No. 195 conflicts with this section for the reason that the additional compensation provided for would increase the recorder's compensation to a figure above the $3500.00 set by the section.

House Bill No. 195 conflicts with Section 13491, Revised Statutes of Missouri, 1939, relating to salaries of officers in counties containing a city between 75,000 and 200,000 inhabitants, for the reason that said Section 13491 provides that all fees due or receivable from any source shall be paid into the

county treasury and that the officers referred to in Section 13491, including recorders, shall be on a salary basis.

House Bill No. 195 conflicts with Section 13450, Revised Statutes of Missouri, 1939, which sets a maximum upon the fees which the recorder of deeds may retain in counties which have a population of 100,000 inhabitants or less, for the reason that where the recorder of deeds in such counties was receiving the maximum amount allowed him under this section, the additional amount under House Bill No. 195 would raise his compensation above the maximum set by said section.

House Bill No. 195 conflicts with Section 13187, Revised Statutes of Missouri, 1939, which provides that the recorder of each county in which the offices of recorder of deeds and clerk of the circuit court are separate shall pay into the county treasury all the fees received by him over and above the sum of $4,000.00 for each year of his official term, after paying out of such fees and emoluments such amounts for deputies and assistants in his office as the county court may deem necessary. It conflicts with this section for the reason that under House Bill No. 195 the recorder would be paid certain fees out of the county treasury by the county court, whereas, under Section 13187 the fees which the recorder receives over and above the sum of $4,000.00, and the amount paid out for deputies and assistants, shall be paid into the treasury of the county. Section 13187 would require the recorder to remit to the treasury the fees received under House Bill No. 195.

House Bill No. 195 conflicts with Section 13493, Revised Statutes of Missouri, 1939, which provides that every official mentioned in the Article, which includes recorders of deeds in counties containing a city of between 75,000 and 200,000 inhabitants, shall at the end of each month pay over to the county treasury all moneys collected by him as fees. House Bill No. 195 would have the same effect under this section as under Section 13187, in that it would require the recorder in counties containing a city of between 75,000 and 200,000 inhabitants to remit to the county treasury the fees which are provided for him under House Bill No. 195.

For the above reasons I cannot approve House Bill No. 195.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 1945

From the Journal of the House of Representatives, pp. 1982-1984

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 24, 1945.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, House Bill No. 582, entitled:

"AN ACT

"To amend Section 13231 of Chapter 91, of the Revised Statutes of Missouri, 1939, relating to the issuance of warrant by coroner in case of death by violence, by striking out of the sixth line of said Section 13231 the word 'constable' and inserting in lieu thereof the word 'sheriff' and by striking out of said line six the word 'township' and inserting in lieu thereof the word 'county' and also by striking out of the ninth line of said Section 13231 the word 'men' and the comma immediately following the word 'men' and also by striking out of the tenth line in said Section 13231 the comma immediately following the word 'township.' "

House Bill No. 582 is one of a series intended to permit women to serve on juries.

House Bill No. 576 has been passed and approved stating that every juror, grand and petit, shall be a citizen of the

State, resident of the county, sober and intelligent, of good reputation, over twenty-one years of age and otherwise qualified. This is a general provision.

Section 22, Article I of the Constitution of Missouri, 1945, permitting women to serve on juries is as follows:

> ". . . No citizen shall be disqualified from jury service because of sex . . . ."

The intention of the framers of the Constitution and also the intention of the General Assembly in enacting House Bill No. 576 was to not disqualify a person from jury service because of sex if they were otherwise qualified.

House Bill No. 582 requires a juror on a coroner's jury to be a *good* and *lawful* householder. This is a stricter requirement than is contained in the general section in House Bill No. 576. Householder generally means the head of a family. It embraces the idea of anyone, man or woman, who maintains a house in the community. Under House Bill No. 582 a juror on a coroner's jury must not only be a householder but he or she must be a *good* and *lawful* householder. No doubt the legislature can require these qualifications of a juror without violating Section 22, Article I of the Constitution, but it is a requirement or discrimination without any apparent reason. Why impose such restrictions on those who serve on a coroner's jury and not on those who serve on grand and petit juries? It is an indirect way of limiting women from serving as jurors on a coroner's jury. In view of the fact that the Constitution of 1945 does not disqualify a citizen from jury service because of sex and in view of the fact that House Bill No. 576, in referring to the qualification of jurors for grand and petit juries, is general in its requirement, I seriously doubt the necessity of this strict requirement of jurors on coroners' juries.

The present Section 13231 provides that every coroner so soon as he shall be notified of the dead body of any person supposed to have come to his death by violence or casualty to make out his warrant and direct it to the constable of the township where the dead body is found. House Bill No. 582 strikes out of Section 13231, line 6, the word "constable" and inserts in lieu thereof the word "sheriff" and also strikes out of said line the word "township" and inserts in lieu thereof

the word "county." It also strikes out of said section in line 9 the word "men" and the comma "," leaving the word "householders."

Under the present Section 13231 when the constable is serving the warrant to summon a jury, he is limited in selecting the jurors to the same township where the dead body of the person is found, which is perfectly proper because the jurisdiction of the constable is limited to his township. But under House Bill No. 582 the sheriff, who has county-wide jurisdiction, must select "good and lawful householders of the same township." In view of the fact that House Bill No. 582 applies to the sheriff instead of the constable, it is uncertain just how the words "good and lawful householders of the same township" would be construed.

Under the present Section 13231 there is no question but what these words refer to the township where the dead body is found but what township do these words refer to under House Bill No. 582? Do they refer to the township where the dead body is found or do they mean that all the jurors must come from the same township regardless of where the dead body is found. In other words, if there are, for instance, six townships in a county and the first householder that the sheriff summons for jury service is from township No. 2 then would the sheriff have to select all the remaining jurors from township No. 2? What township would the sheriff select the first juror from? House Bill No. 582 says "of the same township," but it does not state from what township he is to make his first selection. These words have a definite meaning in Section 13231 because the coroner's warrant is directed to the constable of the township where the dead body is found, but under House Bill No. 582 they are indefinite and confusing when directed to the sheriff because the sheriff's jurisdiction is county-wide. It is my opinion that this section is unworkable and would cause endless confusion. There is no reason that I know of, why the sheriff should be so limited in selecting jurors in an inquest proceeding, when the sheriff is not so limited in selecting grand and petit jurors.

House Bill No. 582 makes no reference to Section 13232 which provides for the return to be made on the warrant. Section 13232 should be amended so that its provisions refer

to the sheriff instead of the constable in accordance with Section 13231 of House Bill No. 582.

Section 13233 should be repealed or if left in the statutes should be amended to refer to the sheriff instead of the constable.

Section 13244 should be repealed because the duties therein referred to apply to the constable and not to the sheriff. I have been unable to find any bill in this General Assembly making the above corrections in Sections 13232, 13233 and 13244.

In view of the fact that there is still plenty of time to correct House Bill No. 582 it is my opinion that this bill should be re-written and that the words "of the same township" in line 7 on page 2, Section 13231 of the Truly Agreed To and Finally Passed bill should be stricken out for the reason that they are confusing and the section as written is unworkable.

As to whether or not the words "good and lawful householders" should be left in the bill is for the General Assembly to determine. If this bill is rewritten it is my suggestion that Sections 13232, 13233 and 13244 should be included in the same bill and all should be corrected at the same time. I am not opposed to the purpose of this bill but for the reasons herein given I think this bill should be corrected before it is enacted into law.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

OCTOBER 26, 1945

From the Journal of the Senate, pp. 1594-1601

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 26, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 100, entitled:

"An act to repeal Sections 8743 and 8751, Article 13, Chapter 46 of the Revised Statutes of Missouri, 1939, relating to the State Highway Commission, number of members, appointment, qualifications, term, removal, compensation, meetings, and quorum; and to enact three new sections in lieu thereof relating to the same subject matter, and designating the counties comprising the several divisions from each of which a Commissioner shall be appointed, and designating the headquarters of each division, to be known as Sections 8743, 8743a and 8751, with an emergency clause."

I.

Senate Bill No. 100 seeks to repeal Sections 8743 and 8751, Article 13, Chapter 46, of the Revised Statutes of Missouri, 1939, relating to the State Highway Commission, and to enact three new sections in lieu thereof providing for an increase in the number of members of the State Highway Commission from four to ten; dividing the State into ten geographical divisions and providing for the appointment of one member of the State Highway Commission from each of the ten geographical divisions. The principal change in the present law being an increase in members of the State Highway Commission from four to ten, and designating by statute ten geographical divisions of the State. There are no additional powers, duties, or authority conferred upon the members of the Commission by this bill.

Senate Bill No. 100 purports to carry an emergency clause which reads as follows:

Section 2. It being necessary to reorganize the State Highway Commission and to provide for the appointment of a Commissioner from each of the geographical divisions in order to more equitably and amply provide for the reconstruction and rehabilitation of the State Highway System of the State creates an emergency within the meaning of the Constitution, therefore this Act shall take effect and be in force from and after its passage and approval by the Governor."

It is provided by Section 29, Article III, of the Constitution of Missouri, 1945, as follows:

> "No law passed by the general assembly shall take effect until ninety days after the adjournment of the session at which it was enacted, except an appropriation act or in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly shall otherwise direct by a two-thirds vote of the members elected to each house, taken by yeas and nays; provided, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of such recess."

It has been uniformly held that in construing the effect of an emergency clause attached to a bill that Section 36, Article IV of the Constitution of 1875, which is comparable to Section 29, Article III of the Constitution of 1945, must be harmonized with Section 57, Article IV of the same Constitution, which is comparable to Section 52, Article III of the Constitution of 1945, applying to the referendum.

Section 52, Article III of the Constitution of 1945 reads as follows:

> "A referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) . . . ."

In the State ex rel. Harvey v. Linville et al., 300 S. W. 1066, l. c. 1068, the court said:

> "It was held in the case of State v. Sullivan, 283 Mo. 546, 224 S. W. 327, that these two sections of the Constitution must be construed together; that a declaration in a bill that it was an emergency measure within the meaning of the Constitution, did not make it so; that the emergency must appear in fact upon the face of the bill to be within the terms of the Constitution, authorizing an emergency clause which would put the act into immediate effect.

. . . . .

"Plainly the emergency clause in the act does not state a condition to which the emergency provision of the Constitution could apply.

"It was held in the Sullivan case that any act to which the referendum might apply could not be an emergency measure; that by the operation of section 36, art. 4, the act would not go into effect until 90 days, if it was one to which, under section 57 of the article, the referendum applied. . . ."

In the case of State ex rel. Westhues v. Sullivan, 283 Mo. 546, l. c. 576-577, the court said:

"There is no express declaration in the emergency clause to this act, bringing it within the exceptions contained in Section 57 of Article IV of the Constitution. The only laws excepted from the referendum under this constitutional provision are 'those necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of the state institutions and for the support of public schools.' The emergency clause to this act does not claim the act to be one of the class mentioned in this exception. Under Section 57, Article IV, all measures not falling within this excepted class are subject to the referendum.

"The emergency clause to the measure under consideration does not attempt to declare such measure to be of the excepted class in the constitutional provision named. It only declares in a way, the legislative reason for the conceived emergency. It does not declare that the measure is 'necessary for the immediate preservation of the public peace, health or safety.' If it had so declared the declaration would have been false on the face of the measure itself. But for our present purpose it suffices to say that the emergency clause does not bring the measure within the excepted class named in the Constitution. So that unless a mere emergency clause will exempt the measure from referendum, the contentions of

plaintiff and relator must fail. They urge that under Section 36 of Article IV, the Legislature has the power, by expressing an emergency in the face of the bill, and passing the emergency clause by a two-thirds vote, to put any law into immediate effect.

"We do not so view the matter. The force and effect of Section 57, when read with Section 36 of said Article IV, is to withdraw from the power of the Legislature to put into immediate effect any measure subject to the referendum. The two sections must be read together and made to harmonize in the light of the history of the constitutional provisions. Section 57 contemplates that 'any act' of the Legislature is subject to the referendum, save and except the measures therein specifically named. . . ."

The Sullivan case has been cited with approval on the same question in State ex rel. v. Maitland, 295 Mo. 338, 246, S. W. 267; Fahey v. Hackman, 291 Mo. 351, 237 S. W. 752; and State ex rel. v. Becker, 289 Mo. 660, 233 S. W. 641.

From the above authorities, it is plain that Section 2 of Senate Bill No. 100 does not declare that an emergency exists within the meaning of the above cited constitutional provisions, and, therefore, is a mere nullity. Furthermore, even if it had declared that Senate Bill No. 100 is necessary for the immediate preservation of the public peace, health or safety, it would not be true because the bill merely provides for increasing the membership of the State Highway Commission from four members to ten members, and creates, by statute, certain geographical divisions which are in effect the same geographical divisions that are now created by the State Highway Department for administrative purposes. Certainly the increasing of a commission from four to ten members does not create an emergency which would affect the peace, health, or safety of the people of this State. The purported emergency clause merely says that, "It being necessary to reorganize the State Highway Commission and to provide for the appointment of a Commissioner from each of the geographical divisions in order to more equitably and amply provide for the reconstruction and rehabilitation of the State Highway System of the State creates an emergency. . . ." This statement certainly does not create an emergency within the

meaning of the above provisions of the Constitution or within the definition as laid down in the above entitled case. It is my opinion that the emergency clause on this bill is invalid and of no effect.

II.

A brief history of the State Highway Commission will be discussed in analyzing this bill.

The present State Highway Commission, as organized some quarter of a century ago, has operated under the limitations which were imposed by the people themselves and by Federal laws and regulations. The limitations are: First, the Centennial Road Law, a legislative mandate to construct and maintain a definite system of roads; second, certain requirements relating to the receipt and use of Federal funds; and third, limitation of finances as supplied by existing State laws.

The Centennial Road Law of 1921 laid out a connected system of highways in the State and commanded the Commission to see to the construction of those highways which have become known as the centennial system. That law, Section 8768, Revised Statutes of Missouri, 1939, reads as follows:

> "There is hereby created and established a state wide connected system of hard surfaced public roads extending into each county of the state, which shall be located, acquired, constructed, reconstructed, and improved and ever after maintained as public roads, and the necessary grading, hard surfacing, bridges and culverts therefor shall be constructed by the state of Missouri. Such state wide connected system of hard surfaced roads shall be known as the 'state highway system,' and shall consist of highways along the following described routes. . . ."

This centennial system as laid out by the Legislature consisted of approximately 7600 miles. These roads have been constructed; each county thus getting its designated share of the money available. The construction of these roads was carried out concurrently so that the State road system in each county was completed at approximately the same time.

In the constitutional amendment adopted in 1928 the Commission was authorized for the first time, in co-operation with the county road officials, to lay out and construct a supplementary or farm-to-market system and was further directed to complete, widen, improve, and maintain the original centennial system. This amendment also authorized the construction of an additional 300 miles to properly connect up the original system, and authorized the construction of additional routes in the congested traffic areas adjacent to the cities of St. Louis and Kansas City.

Altogether, as of June 30, 1945, the total mileage of State roads is 16,151 miles of which 8388 miles are the major system and 7813 miles are on the supplementary system. This was all built under the direction of a four-man commission. These commissioners came from widely distributed points in the State and to their official action no scandal was ever directed.

Each county has received the supplementary road money allotted under the constitutional amendment passed in 1928 which set up a formula on area and population for its distribution. No commission, regardless of the number of commissioners, could have changed these amounts.

The money available for Missouri under the present Federal-aid Highway Act of 1944 is $14,373,931 which is allotted by the Federal government as follows: $6,660,223 to the centennial system; $4,562,550 to the supplementary or farm-to-market system, and $3,151,158 to cities of over 5000 population. These Federal funds require an equal amount of State funds to match and will make a total of $28,747,862 each year for the three-year period, giving a yearly total to each of the above systems as follows:

Centennial System	$13,320,446
Supplementary System	9,125,100
Urban System	6,302,316

making an entire total of over $86,000,000 for the first three post-war years.

This division of post-war funds is beyond the power of the Commission to change. Compliance with Federal regulations has been a part of the law of Missouri since the Centennial Road Law. That law, Section 8754, Revised Statutes of Missouri, 1939, reads as follows:

"The commission is hereby directed to comply with the provisions of any act of congress providing for the distribution and expenditure of funds of the United States appropriated by congress for highway construction, and to comply with any of the rules or conditions made by the bureau of public roads of the department of agriculture, or other branch of the United States government, acting under the provisions of federal law in order to secure to the state of Missouri funds allotted to this state by the United States government for highway construction. . . . ."

The past and present Commissions have carried out these laws and regulations without deviation and future Commissions must also do the same. These State and Federal regulations are mandatory regardless of the number of men on the Commission.

The Commission is more or less hedged in by the Constitution, the Federal laws and regulations, and by State statutes and, regardless of the number of commissioners, they have to follow these laws and regulations.

Originally, Federal funds coming to the State could only be spent on what is known as the Federal or centennial system. Federal funds were first made available for the construction of our supplementary or farm-to-market roads in 1935 and, while standards of construction were not the same as required for the main centennial system, they imposed some regulations which made it difficult to construct a truly low-cost road. Within the last year the Federal regulations, however, have been very materially changed and in the future it will be possible to build a much lower type of road and still receive Federal participation.

Under the Constitution of 1945 the farm-to-market formula by which the funds are allotted by the State Highway Commission to the construction or acquisition of supplementary State highways and bridges in each of the counties of the State shall be apportioned to the several counties as provided in Section 32 of Article IV of the Constitution, 1945, which in part is as follows:

"One-fourth in the ratio that the area of each county bears to the area of the state, one-fourth in the ratio of the population, and two-fourths on such basis as the commission may deem to be for the best interests of highway users; . . . ."

The above apportionment of road funds was not in the old Constitution. The above provision, together with the entire Section 32 of Article IV, was thoroughly debated in the Constitutional Convention with the knowledge, on the part of the members of the Constitutional Convention, that the Highway Commission consisted of four members. The voters of the State adopted the new Constitution containing the above section with the knowledge that the Highway Commission consisted of four members.

The amount set up by the present State Highway Commission under the above constitutional provision for the first post-war year of supplementary construction on the basis of area and population is $6,000,000 with an additional $3,000,000 to be set up as soon as a survey now in progress can be completed. The above total is a greater amount than has been available for such supplementary road construction in any previous year.

The ten divisions set out in Senate Bill No. 100 apparently coincide with the Highway Department's administrative divisions which were set up by the State Highway Commission solely for convenient and efficient administrative purposes.

The appointment of ten commissioners on this geographical basis would result not only in sectionalizing the Commission but also in an inequitable representation. For instance, two divisions, Division No. 4, consisting of twelve counties including Kansas City, and Division No. 6, consisting of twelve counties and the City of St. Louis, would contain a population of 2,028,436. The population of the entire State is 3,784,664. These two divisions would contain more than one-half the population of the State and would be represented by only two commissioners, while the remainder of the State, containing a population of 1,756,228, considerably less than one-half the population of the State, would be represented by eight commissioners.

This inequity can be further illustrated by the fact that the most populous geographical division, No. 6, having a population of approximately 1,304,000 will have only one representative while the least populous geographical division, having a population of only 139,000, will also have one representative. In other words, a voter of the least populous division will have almost ten times as much representation on the Commission as a voter of the most populous division. If it was the purpose of Senate Bill No. 100 to bring about an equal representation on the Commission for all the people of the State, it is quite evident that it does not accomplish the intended purpose.

The traffic needs of the State as a whole and the best interest of the highway users should always be uppermost in the minds of the members of the Commission.

The members of the State Highway Commission are the directors of one of the largest businesses of the State. The present highway system represents an expenditure for construction and maintenance of approximately $452,000.00. The anticipated expenditure in the future of additional large sums of money will greatly increase this amount. These facts clearly indicate the necessity for a Commission to be selected to represent the State at large, rather than ten individual sections of the State where the appointed commissioner would be responsible only to his section. This limited responsibility would tend to encourage sectional favoritism and provide opportunity for the operation of pressure groups.

Missouri's system of roads built under the present commission set-up ranks close to the top nationally. This accomplishment is all the more remarkable in view of the fact that for many years Missouri has operated with a two cent gas tax, the lowest in the nation.

Since the passage of the centennial road law in 1921 the members of the Commission, selected by the various Governors, have come from all sections of the State. There is no administrative division of the Highway Department that has not had one or more members of the Commission at some time. But, regardless of the residence of the commissioners they have dealt with State Highway problems as a single unit and from a state-wide standpoint.

There are approximately 117,000 miles of highways of all classes within this State, approximately 100,000 miles of which do not come under the jurisdiction of the State Highway Commission. There are approximately two thousand separate agencies, such as road districts, special road districts, township boards, county courts, cities, towns and villages which administer the more than 100,000 miles of road in this State not under the jurisdiction of the State Highway Commission. It is estimated that these agencies spend approximately $10,000,000 or more annually of the taxpayers' money without adequate results. I am in sympathy with the demand for more rural, farm-to-market roads. In fact in my inaugural message to the General Assembly in January of this year I stated:

> "I direct your attention to the fact that 54% of Missouri farmers still live on dirt roads. Our present highway system should be extended and roads constructed so this large number of Missourians may have access to improved roads."

The roads that the complaint is made about are county roads. I believe that if the number of agencies in each county that administer the construction of roads were reduced and if a centralized agency handled the road construction in a county it would be more practical and better results would be obtained. I believe that a study of the rural road problem should be made. Some plan should be worked out whereby the counties or civil subdivisions will build roads that lead to the State system or to locally constructed all weather roads. Under the present system every road district, township board, and county court spends large sums of money for road machinery and equipment, which, because of the limitations in jurisdiction of the district or board, is necessarily idle the greater part of the time. If a centralized agency in each county handled the construction of roads it would stop the expenditure of large sums of money in the duplication of purchases of road machinery and equipment by numerous subdivisions in each county, which funds could be used to good advantage in the actual construction of roads.

For the reasons above set forth, I am of the opinion that it is for the best interest of the State as a whole to carry out

the post-war program of road construction with the same number of members on the Highway Commission that have built our present State system.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 30, 1946

From the Journal of the House of Representatives, pp. 2808-2810

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
January 30, 1946.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, House Bill No. 350, entitled:

"AN ACT

"To repeal Section 3652, Article 1, Chapter 28, Revised Statutes of Missouri, 1939, relating to damages for injuries resulting in death in certain cases, and to enact in lieu thereof a new section, to be known as Section 3652, and relating to the same subject."

House Bill No. 350 and House Bill No. 389 are companion bills. I have this day approved House Bill No. 389. It amends Section 3654, Article 1, Chapter 28, Revised Statutes of Missouri, 1939, relating to damages recoverable in actions for death by raising the amount recoverable from not exceeding $10,000.00 to not exceeding $15,000.00. Since this statute deals with compensatory damages and is non-discriminatory as to the liability of defendants and the rights of plaintiffs, I have approved this bill.

House Bill No. 350 repeals Section 3652, Article 1, Chapter 28, Revised Statutes of Missouri, 1939, the penal section relating to damages for injuries resulting in death in certain accidents and enacts a new section in lieu thereof raising the limit of the penalty recoverable from not exceeding $10,000.00 to not exceeding $15,000.00. Prior to 1905 this section of the statutes provided for a penalty of $5,000.00, no more and no less. The statute at that time applied to railroad locomotives, car or train of cars, steamboats and stage coaches. In 1905 the legislature rewrote this section and added street cars, motor cars, and automobiles used as public conveyances and struck out the penalty of $5,000.00 and provided that the recovery should be in an amount not less than $2,000.00 and not more than $10,000.00 in the discretion of the jury.

After the amendment in 1905 some confusion existed in changing the section from a flat $5,000.00 to one ranging from $2,000.00 to $10,000.00 to be awarded as a penalty in the discretion of the jury. However, the Supreme Court of Missouri in the case of Grier vs. Kansas City, Clay County and St. Joseph Railway Company, 286 Missouri 523, pointed out the clear intent of the legislature as disclosed by the use of the words "as a penalty" and held that in the case of wrongful death occasioned by a common carrier enumerated in the penalty statute the entire amount could be awarded as a penalty, even though the deceased left no dependent relatives and even though the personal representative maintaining the suit was unable to show any compensatory damages. Since the Grier decision the courts have held that the entire $10,000.00 may be recovered as penalty even in the absence of any showing of any compensatory damages and since House Bill No. 350 makes practically no change in Section 3652 except to increase the maximum limit from $10,000.00 to $15,000.00, it is obvious that the Grier decision will continue to govern such recoveries.

I think this statute is unfair and discriminatory against present day railroads, street railroads, motor bus companies, and other carriers named in said section. Said bill in its present form limits the right to recover a penalty in death cases to actions against persons or corporations operating public conveyances such as trains, street cars, steamboats, stage coaches, automobiles, and motor cars. The discrimination

against certain classes of defendants, such as railroads, street car companies, and motor bus companies and in favor of certain other classes of defendants such as operators of private trucks and probably contract haulers, operators of private automobiles and operators of airplanes, whether private or public, is carried forward without change in House Bill No. 350 although the limit of the penalty recoverable is increased fifty per cent. If we are going to increase the penalty then I think these discriminations should be eliminated. This bill not only carries forward discriminations against certain classes of defendants but also carries forward certain discriminations against certain classes of plaintiffs in their suits brought in death cases. The following are illustrations:

The parents of a 19 year old son permit him to take flying lessons. The airplane school, through the grossest kind of negligence, fails to refuel or install or repair a vital part of the airplane before the flight, and the son is killed in the airplane crash. The parents cannot sue under this penal act because no penal action is authorized against this type of defendants. They are compelled to sue under the compensatory section and obviously from a compensatory standpoint their damages, based upon possible contributions from their minor son until he reaches his majority, must be limited to a relatively nominal amount. The same would be true in the case of a plane operated by one of the large air transport lines.

The parents of a minor daughter permit her to use the street car in going to and from school. While standing in a safety zone awaiting the street car, a drunken driver, worth a million dollars, and carrying $50,000.00 public liability insurance, crashes through the safety zone and kills the daughter. The parents cannot sue under the penal statute because the defendant does not belong to the class of defendants against whom a penal action is authorized. They must sue under the compensatory statute, and their damages are limited to the actual pecuniary loss.

An itinerant in St. Louis if [is?] fatally injured by a street car. It develops that he is not survived by any widow or children, or parents, or other relatives, except a remote next of kin in the State of Maine, whom he has never seen. This bill would authorize even the public administrator in charge

of his estate to prosecute an action against the street car company for a penalty of not to exceed $15,000.00.

If a deceased should come to his death by reason of being struck by a common carrier freight truck the entire penalty of $15,000.00 could be awarded, but if the same person had met his death by the negligent operation of a private carrier truck or a huge transport, only compensatory damages could be awarded.

I have no objection to the maximum of $15,000.00 that the legislature has included in this bill but I do think this bill should be re-drafted, brought up to date and the discriminations removed. Since we are revising the statutes I believe we should take out the stage coaches, put in the airplane and otherwise modernize this section.

House Bill No. 350 contains another error that should be corrected. In lines 44 and 45, page 2 of the Truly Agreed To and Finally Passed bill are the words "where the person executing the *decree if* adoption resided at the time of such adoption; etc." (Underscoring mine.) The present Section 3652 reads "where the person executing the *deed of* adoption resided at the time of such adoption, etc." Prior to 1917 the only method of adoption was by deed. The present method of adoption is found in Article 1, Chapter 56, Revised Statutes of Missouri, 1939, and does not provide for adoption by deed. A petition is filed in the Juvenile Division of the Circuit Court, service is had on the parties, a hearing is held before the Court and if the Court is satisfied from the evidence that the adoption should be made the Court executes the decree setting forth the adoption. The decree is not executed by a *person* as set forth in line 44, page 2 of the bill. This wording would cause endless confusion, especially in view of the fact that on page 3, line 50, of the bill the words "deed of adoption" are left in the bill and are not changed to read "decree of adoption." The word "if" in line 44, page 2, evidently was intended for "of" but this error is in the original bill and was not corrected in the passage of the bill through either House. If this bill is re-drafted the adoption provision in regard to minor children should be in accordance with the

provisions of Article 1, Chapter 56, Revised Statutes of Missouri, 1939.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 6, 1946

From the Journal of the Senate, pp. 2491-2492

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 6, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 219, entitled:

"AN ACT

"To amend Section 10952, Article 2, Chapter 74, Revised Statutes of Missouri, 1939, relating to who shall administer oaths relating to assessment—penalty for receiving lists not sworn to—duty of criminal courts, by striking out of the fourth line of said Section 10952 the words 'justices of the peace' and inserting in lieu thereof the word 'magistrates' and by striking out of the fourth and fifth lines of said Section 10952 the words 'probate judges' and also by striking out the comma after the word 'judges' above mentioned, and providing for effective date."

Senate Bill No. 219 amends Section 10952, Article 2, Chapter 74, Revised Statutes of Missouri, 1939, by striking out certain words and inserting certain other words in lieu thereof. However, House Committee Substitute for House Bill No. 469 repeals Section 10952, Article 2, Chapter 74, Re-

vised Statutes of Missouri, 1939, and re-writes said section in almost the identical words, the same being Section 16 of said House Committee Substitute for House Bill No. 469. I approved House Committee Substitute for House Bill No. 469 December 5, 1945. It has an emergency clause making it effective from and after its passage and approval.

It is my opinion that Section 10952 of Senate Bill No. 219 is a duplicate of Section 16 of House Committee Substitute for House Bill No. 469 and is now in effect and, therefore, Senate Bill No. 219 should not become a law.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 18, 1946

From the Journal of the Senate, p. 2601

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 18, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 69, entitled:

"AN ACT

"To repeal Sections 11965, 11967, 11968 and 11969, of Article 20, Chapter 76, Revised Statutes of Missouri, 1939, relating to registration of voters in cities of this state which now contain or may hereafter contain not less than 30,000 inhabitants nor more than 80,000 inhabitants, and to enact in lieu thereof four new sections to be known as Sections 11965, 11967, 11968 and 11969 relating to registration of qualified voters in cities of this state which now contain or may hereafter contain not less than 30,000 inhabitants nor more than 50,000 inhabitants, with an emergency clause."

On page 2, Section 11965, Line 2, the words "in cities" should be inserted after the word "voters" and before the word "of." It is my opinion that this section as now written is very confusing and in fact meaningless unless the words "in cities" are inserted as above stated.

It is obvious that the section refers to cities containing not less than 30,000 inhabitants nor more than 50,000 inhabitants but it does not say so. If this section is placed in the statutes without the benefit of the title of the act and the enacting clause, I am sure that it would cause endless confusion and I believe that it should be corrected before enacted into law.

Also, on page 2, Section 11965, Line 8, the words "special charter" are used. In view of the provisions of Committee Substitute for House Bill No. 491, which have been approved and which define constitutional charter cities, I am wondering if Senate Bill No. 69 should not also include constitutional charter cities in addition to those organized under general law or special charter.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 19, 1946

From the Journal of the House of Representatives, pp. 3083-3085

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 19, 1946.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, House Committee Substitute for House Bill No. 719, entitled:

"AN ACT

"To provide for the assessment, levy, equalization and collection of taxes on real and tangible personal property and to provide for the taxation of merchants and manufacturers and the establishment of a county board of equalization in counties of the first class, with an emergency clause."

Because this bill contains errors and conflicting provisions and for the other reasons hereinafter set forth, I am unable to approve it:

I. On page 3, Section 8, line 7, the words "state auditor" should be "director of revenue."

II. On page 8, Section 25, line 6, the words "state auditor" should be "director of revenue."

III. On page 17, Section 43, lines 9 and 10, the dates "the first day of January and the first day of March in each year" conflict with the dates in House Committee Substitute for House Bill No. 539, which is the general law applying to the entire State.

IV. On page 17, Section 44, lines 11 and 12, the same dates "the first day of January and the first day of March next preceding," conflict with the dates in House Committee Substitute for House Bill No. 539, which is the general law applying to the entire State. I think dates and other provisions of tax law should be uniform, if possible, for the entire State.

V. On page 19, Section 50, lines 5 and 6, the compensation of the members of the county board of equalization is fixed at $1500.00 each per year.

The compensation of the members of the county board of equalization as fixed by House Committee Substitute for House Bill No. 467, which has been enacted and approved, is $5.00 per day for each day they *shall be present and act in the performance of their duties* as members of the county board of equalization. I think this provision in House Committee Substitute for House Bill No. 467, which applies to the entire State, is a much better provision with reference to the com-

pensation of the members of the county board of equalization. The compensation of $1500.00 for each member per year is no doubt, an increase in compensation and I believe will result in less attendance of the members of the county board of equalization than if they were to receive $5.00 per day for each day that they are present and act in the performance of their duties as members of the county board of equalization. I know of no valid reason why the members of the county board of equalization in counties of the first class should be placed on a salary basis of $1500.00 per member per year while members of the county boards of equalization in the remainder of the State are on a per diem basis.

VI. On page 23, Section 60, this section in effect provides that if the State Tax Commission fails to file its report before or during the session of the county board of equalization the findings of the county board of equalization shall be final.

In House Committee Substitute for House Bill No. 467 there is a provision that in case the report of equalization from the State Tax Commission is not received before or during the session of the county board of equalization then it shall be the duty of the county clerk to adjust the tax books according to such report when received. In other words, the provisions of House Committee Substitute for House Bill No. 719 conflict with the general law of the State as set forth in House Committee Substitute for House Bill No. 467. I do not believe that the findings of the county board of equalization should be final. I believe that the report of equalization from the State Tax Commission should be considered by the county board of equalization and the tax books adjusted according to such report. There is no reason why the findings of the county board of equalization in counties within the first class, such as St. Louis and Jackson Counties, should not be handled in the same manner as the other counties in the State.

VII. Section 61, pages 23 and 24, conflicts with the provisions of Section 9 on page 3. Section 61 provides, among other things, that the *county court* shall facilitate and expedite the assessment, calculation, extension, and collection of taxes and prescribe the method or system to facilitate the same.

Such system shall specify the kind of books and forms to be used etc., and shall prescribe the method and manner of extending or computing the taxes and the form and manner of preparation of the tax bills.

Section 9 provides that the *State Tax Commission* shall design the necessary assessment blanks and all other necessary forms which forms shall contain a classification of all tangible personal property and shall furnish to the county clerk and county assessor etc.

In other words, there is a conflict of authority between the State Tax Commission and the county court in these two sections of the same bill.

Section 61 on page 23 of House Committee Substitute for House Bill No. 719 also conflicts with the provisions of Section 15, paragraph 11, page 12 of House Committee Substitute for House Bill No. 528, in that the State Tax Commission in No. 528 prescribes the form of all blanks and books that are used in the assessment and collection of the general property tax except as otherwise provided by law, while Section 61 of House Committee Substitute for House Bill No. 719 provides that the *county court* shall specify the kind of books and forms to be used etc.

VIII. House Bill No. 719 was introduced October 31, 1945. It passed the House as a House Committee Substitute on November 29, 1945. It did not pass the Senate until January 23, 1946, and on January 29, 1946, the House concurred in the Senate amendments. However, according to Section 65, which contains the emergency clause, there is a provision as follows:

> "Whereas by virtue of the provisions of the new state constitution, changes are required to be made in the assessment and collection of taxes, and in procedures connected therewith so that they can be put into operation not later than January 1st, 1946 etc."

It is my opinion that the date of January 1, 1946, is a vital part of the emergency clause and one of the reasons given why there was an alleged emergency. However, the fact that the bill did not pass the Senate until January 23, 1946, and the Senate amendments were not concurred in by

the House until January 29, 1946, destroys the effectiveness of the emergency clause, because the bill was passed after January 1, 1946, the date that the emergency clause states was necessary for the bill to be put into operation. The very fact that the bill was finally passed on January 29, 1946, shows that it was not necessary to be put into operation by January 1, 1946. Even if this bill had been approved I doubt if it would have become effective until ninety days after the adjournment of the legislature.

IX. I realize that House Committee Substitute for House Bill No. 719 is a bill providing for the assessment, levy, equalization, and collection of taxes on real and tangible personal property in counties within the first class. However, laws of this importance should be correctly written and without conflicting provisions. It is my opinion that if this bill is necessary that it can be corrected, re-introduced and passed within a short time. However, it is also my opinion that if it should not be re-introduced that the duties of the county board of equalization in counties of the first class can be performed under the provisions of the bills which have been enacted and approved for the entire State.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MAY 2, 1946

From the Journal of the House of Representatives, pp. 4042-4043

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 2, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith, with my veto and without my approval, House Bill No. 803, entitled:

"AN ACT

"To repeal Section 11125 of House Committee Substitute for House Bill No. 537, enacted by the 63rd General Assembly and approved by the Governor Dec. 5, 1945, and to repeal Section 11126 of Article 9, Chapter 74, Revised Statutes of Missouri, 1939, all relating to delinquent and back taxes, and to enact in lieu thereof two new sections, relating to the same subject and to be known as Sections 11125 and 11126."

Section 11125 on page 1, omits the proviso permitting the payment of taxes, penalty, interest, and costs before the property is sold. This proviso was in Section 11125 of the 1939 Statutes and also in House Committee Substitute for House Bill No. 537 of the 63rd General Assembly approved December 5, 1945. The taxpayer should be entitled to pay his delinquent taxes with penalty, interest, and costs at any time before his property is sold. There is no occasion to repeal Section 11125 as written in House Committee Substitute for House Bill No. 537 unless it would be to change the date of sale from the first Monday in November to the second Monday in September as is provided for in House Bill No. 803. I have no objection to such a change in the date of sale but I do object to striking off the proviso in this bill as above set forth.

Under Section 13, Article X of the Constitution of 1945 it is provided that:

"No real property shall be sold for state, county or city taxes without judicial proceedings, unless the notice of sale shall contain the names of all record owners thereof, or the names of all owners appearing on the land tax book, and all other information required by law."

This section states unless the notice of sale contains the names of all record owners thereof or the names of all owners appearing on the land tax book, etc. Section 11126, page 2, lines 6 to 12, inclusive, of House Bill No. 803 states:

"And it shall only be necessary in the printed and published list to state in the aggregate the amount of taxes, penalty, interest and cost due thereon, each year separately stated, and the land therein described shall be de-

scribed in forty-acre tracts or other legal subdivisions, and the lots shall be described by number, block, addition, etc.:"

The Constitution says that no real property shall be sold without judicial proceedings, unless the notice of sale shall contain the names of all record owners, etc. In lines 6 and 7 of Section 11126, page 2, it says that it shall only be necessary in the printed and published list to state in the aggregate the amount of taxes, penalties, interest and costs due thereon . . . and the land described etc. No mention is made that this notice shall contain the names of the owners of the land appearing on the land tax book as required by Section 13, Article X of the Constitution. Said Section 11126 of House Bill No. 803 was in the original Jones-Munger Tax Law and was severely criticized after the law became operative because so many land owners who were unfamiliar with the legal description of their property did not know that their land was being advertised for sale for delinquent taxes. Their name did not appear in the notice because it was not necessary for it to appear under the provisions of Section 11126, Revised Statutes of Missouri, 1939. This worked a hardship on many land owners. As a result of this hardship the Constitutional Convention wrote Section 13, Article X in the 1945 Constitution. It is true that the provisions of Section 13, Article X of the Constitution are copied in Section 11125 of House Bill No. 803, pages 1 and 2, lines 5 to 9, inclusive. In my opinion this does not help the situation. The Constitution specifically states what the notice shall contain. Merely copying the Constitution into the bill does not cure the evil. The statute must carry out the mandate of the Constitution. The provision in Section 11126, line 7, does not do this. In fact it conflicts with the Constitution because it says "and it shall only be necessary in the printed and published list to state, etc." No mention is made that the notice must contain the name of the record owner or the name of the owner appearing on the land tax book as required by the Constitution.

For the above reasons I cannot approve this bill.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MAY 3, 1946

From the Journal of the House of Representatives, pp. 4044-4046

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 3, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith, with my veto and without my approval, House Bill No. 857, entitled:

"AN ACT

"To create the office of clerk of the county court; provide for the election and proceedings relative thereto, the appointment, term of office, and qualifications of clerks of the county courts; provide for the oaths and bonds of said clerk; provide certain powers and duties of said clerks and for the keeping of certain records and making of certain quarterly returns by said clerk; provide where the office of clerk of the county court and the records and property belonging to such office shall be kept, and for the delivery of said records and property to the successor in office of said clerk; provide for the suspension from office of clerks of the county courts and proceedings relative thereto; to prohibit clerks of the county courts from purchasing, dealing and speculating in county warrants, claims and demands against the county of which he is clerk, and provide certain other acts which constitute misdemeanors in office, and fixing penalties for the violation thereof."

County clerks at present are elected under authority of Section 13283, Article 1, Chapter 92, Revised Statutes of Missouri, 1939, which provides for a four year term for clerks of all courts of record. Under the 1945 Constitution county courts are not defined to be courts of record and on July 1,

1946, Section 13283 will become inoperative insofar as county clerks are concerned. However, under Section 3 of the Schedule of the Constitution of 1945, the terms of office of county clerks are not affected by the new Constitution and accordingly all present county clerks will serve their terms of four years which will expire the first Monday in January, 1947.

Section 4, page 2, lines 1 to 4, inclusive, of House Bill No. 857 provides that when any vacancy shall occur in the office of clerk of the county court by death, resignation, removal, refusal to act, or otherwise, it shall be the duty of the county court to fill such vacancy. This section is almost identical with Section 13284, Article 1, Chapter 92, Revised Statutes of Missouri, 1939, except in Section 13284 it is provided that it shall be the duty of the Governor to fill such vacancy. This section, providing that the Governor shall fill such vacancy, has been the law since 1877.

Vacancies in all county offices except sheriff and coroner have always been filled by the Governor in accordance with Section 11, Article V of the 1875 Constitution. In the case of the sheriff and coroner there was a specific provision in Section 11 of Article IX of the 1875 Constitution providing that a vacancy in the office of sheriff or coroner shall be filled by the county court. The provisions of Section 11 of Article IX of the 1875 Constitution pertaining to the sheriff and coroner were not carried forward into the 1945 Constitution; however, Section 11, Article V of the 1875 Constitution authorizing the Governor to fill vacancies in public offices was carried forward in the 1945 Constitution with practically no change in substance, it being Section 4, Article IV of the 1945 Constitution.

The fact that the provision of the 1875 Constitution, Section 11, Article IX, authorizing the county court to fill the vacancy in the office of sheriff and coroner was not carried forward into the 1945 Constitution is evidence of the intention of the Constitutional Convention to authorize the Governor to fill all vacancies in public office and do away with the divided authority that has existed under the old Constitution in filling vacancies in county offices. There should be uniformity of procedure in filling vacancies in public office. The Governor should not fill some vacancies and some other

official fill other vacancies. I am opposed to this provision in Section 4 of House Bill No. 857 on principle.

Section 2, lines 3, 4, and 5 of House Bill No. 857 provides for the election in each county of a clerk of the county court who shall be commissioned by the Governor, etc. No provision is made in House Bill No. 857 as to who shall commission the county clerk appointed by the county court. In other words, House Bill No. 857 provides that the county clerks who are elected shall be commissioned by the Governor but no provision is made for those appointed by the county courts. Section 5 of Article IV of the 1945 Constitution provides "The Governor shall commission all officers unless otherwise provided by law." In House Bill No. 857 there is no "otherwise provided by law."

I know of no valid reason why an exception should be made in filling vacancies in the office of county clerk.

House Bill No. 857 does not provide compensation for the office of county clerk. The compensation for county clerks is in separate acts.

In counties of the first class the provision for salary is included in House Committee Substitute for House Bill No. 913 which has not been passed but is on the calendar for third reading and final passage in the House of Representatives.

Salaries for county clerks in counties of the second class have been provided by House Bill No. 895 which has been passed and approved. Salaries for county clerks in counties of the third class have been provided by House Bill No. 867 which has been passed and approved. Salaries for county clerks in counties of the fourth class have been provided by House Committee Substitute for House Bill No. 768 which has been passed and approved.

However, House Bill No. 857 is apparently in conflict with House Bill No. 895 in the following respect:

House Bill No. 857 in Section 11, lines 12 to 18, inclusive, provides as follows:

> "The county court shall . . . allow all necessary deputy, assistant and clerk hire, not exceeding the amount authorized by law, and deduct the same from the aggregate amount of compensation payable to the clerk of the county court."

House Bill No. 895 provides in Section 1 "The county clerk, in all counties of the second class, shall receive the sum of $4000.00 as annual compensation for his services . . . ." If the provisions of Section 11 of House Bill No. 857 were to be followed the deputies and assistants of the county clerks in counties of the second class would receive a portion of the above amount of $4000.00 which will unquestionably leave the county clerk with little or no pay for the reason that Section 11 of House Bill No. 857 authorizes the deputy hire to be deducted from the aggregate amount of compensation payable to the clerk of the county court.

Said Section 11 of House Bill No. 857 in lines 2 and 3 contains the provision that the clerk of the county court "shall make return quarterly to the county court of all fees by him received . . . ." Section 3 of House Bill No. 895, lines 4 and 5, provides that the clerk of the county court "shall, at the end of each month, file with the county court a report of all fees . . . ."

House Bill No. 867, Section 7, lines 5, 6, and 7 provides, that the county clerk "shall, at the end of each month, file with the county court a report of all fees charged and collected during said month, . . . ," which provision is in conflict with Section 11 of House Bill No. 857. House Committee Substitute for House Bill No. 768, which provides for salaries of county clerks in counties of the fourth class, in Section 7 thereof, lines 4, 5, 6, and 7, provides that "such clerks shall, at the end of each month, file with the county court a report of all fees charged and collected during said month, ..." This provision conflicts with Section 11 of House Bill No. 857.

In other words, House Bill No. 857 conflicts with all of the county clerks salary bills which have been enacted and also House Committee Substitute for House Bill No. 913 which is pending in the House.

For the above reasons I cannot approve this bill.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MAY 4, 1946

From the Journal of the Senate, pp. 3517-3519

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 4, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith, with my veto and without my approval, Senate Committee Substitute No. 2 for Senate Bill No. 353, entitled:

"AN ACT

"To provide for the creation of a department of the State government to be known as the State Department of Agriculture and to prescribe its powers and duties; to provide for the appointment of a commissioner of said department and to prescribe his qualifications, powers, duties, compensation and tenure of office; to provide for the transfer to said department and all powers and duties heretofore conferred and imposed upon the Commissioner of Agriculture, and upon the Missouri Grain Warehouse Department and the Grain Warehouse Commissioner and upon the Missouri Agricultural Experiment Station at Columbia and the Director of said experiment station by Article 14, Chapter 102 of the Revised Statutes of Missouri, 1939; abolishing the Missouri Grain Warehouse Department and the office of Grain Warehouse Commissioner; to create a separate division within said department to be known as the Grain Warehouse Division, and to prescribe the qualifications, powers, duties, compensation and tenure of office of the head of said division; to create a separate division within said department to be known as Animal Health Division, and to prescribe the qualifications, powers, duties, compensation and tenure of office of the head of said division; to provide a method for removal of the Commissioner of [or] Directors;

and to repeal all other laws and parts of laws inconsistent with the provisions of this Act."

Section 2 of Senate Committee Substitute No. 2 for Senate Bill No. 353, lines 1 to 7, inclusive, provides for the appointment of a Commissioner of the Department of Agriculture by the Governor by and with the advice and consent of the Senate, and said Commissioner shall serve at the pleasure of the Governor from and after his appointment and confirmation, unless removed for cause. Although said section provides that the Commissioner shall serve at the pleasure of the Governor, Section 9, page 8, provides that the Governor may remove the Commissioner for inefficiency, neglect of duty or misconduct in office, first giving to such officer a copy of the charges against him and an opportunity of being publicly heard in person and by counsel in his own defense upon not less than ten days' notice of the time and place of such hearing. These two sections are in conflict with each other.

The Constitution provides (Section 17, Article IV) "All appointive officers may be removed by the governor . . . ." It is my opinion that Section 9 of the bill conflicts with Section 17, Article IV of the Constitution, and that Section 2 of the bill is more nearly in conformity with the provisions of the Constitution. However, the Constitution merely says that appointive officers may be removed by the Governor. The words "removed for cause" are not used in the Constitution.

Senate Committee Substitute No. 2 for Senate Bill No. 353 sets up within the Department of Agriculture two divisions with virtually independent administrative authority—the Grain Warehouse Department, in Section 7, page 5, and the Division of Animal Health in Section 8, page 7. There are a number of divisions in the Department of Agriculture: the Entomology Division; Seed Division; Feed Division; Live Stock Division; Dairy Division; Division of State Fair, all in addition to the Veterinary Division. If the Animal Health Division is set up, in accordance with this bill, then surely the Dairy Division is deserving of recognition, or the Feed Division, or any of the other divisions for that matter. I do not believe that one division within a department should be glorified over another. There should be no conflict of authority within a department.

In Section 3 the Commissioner of the Department of Agriculture is given over-all authority of the Department of Agriculture. However, in Section 8, paragraph "c", page 8, of the bill, the director of Animal Health is given full charge of the veterinary services of the State and in addition "he shall have all the powers, duties and responsibilities heretofore conferred and imposed upon the State Veterinarian under the provisions of Article 11, Chapter 102, Revised Statutes of Missouri, 1939." While it is true that in Section 8a, line 5, page 7, the director of Animal Health is under the supervision of the Commissioner, I think there is no question but what there is a conflict of authority between Section 8a and Section 8c.

Section 4, page 4, seems to be a gratuitous section for the reason that the relations between the Department of Agriculture and the College of Agriculture of the University of Missouri have been harmonious for practically seventy years. This section could be so construed as to prohibit the Department of Agriculture from cooperating with any other agency, State or Federal, except the College of Agriculture of the University of Missouri.

Section 7a, page 5, seeks to transfer the Grain Warehouse Department to the Department of Agriculture. I have no objection to such transfer. However, this section undertakes to do more than that. In lines 4 to 10, inclusive, of Section 7a there is this provision: ". . . the Grain Warehouse Commissioner shall continue as head of said division until April 15, 1947 and shall have the same rights, powers, duties, tenure of office and compensation now provided for the Grain Warehouse Commissioner and until a director of said division is appointed, confirmed, and qualified pursuant to the provisions of this act, unless removed for cause."

The Legislative branch of the government has no authority whatsoever to appoint a particular person to an office, or to provide that a certain officer shall continue as head of a division of a department of State government until April 15, 1947, or any other date. Our State government is divided into three distinct departments: the Legislative, Executive, and Judicial. Each department has separate duties and functions which are prescribed by the Constitution. One department shall not exercise any power properly belonging to the

other unless the Constitution expressly authorizes it. There is no constitutional authority authorizing the Legislative Department to appoint any particular person to office, or to continue any particular person in office. That is a duty that is wholly within the power of the Executive Department. When the Legislative Department undertakes to appoint a particular person to office, or to designate a certain person to continue in office until April 15, 1947, or any other date, then the Legislative Department usurps the power and authority of the Executive Department and is acting wholly outside the scope of the Constitution. As was said by the Supreme Court of Missouri in the case of State ex rel. v. St. Louis, 216 Mo. 47, l. c. 96:

> "That section . . . expressly authorizes the General Assembly, acting within its legislative capacity, to pass a law prescribing the manner in which an appointment shall be made, but it does not authorize the General Assembly to make the appointment itself, ... To provide by law the manner in which an appointment shall be made is one thing; to make the appointment is another; the one is in its nature legislative, the other is essentially executive. The Constitution authorizes the Legislature to do the one but not the other . . . ."

In said Section 7a, page 5, line 8, the word "confirmed" is used in referring to a director of the Grain Warehouse Division. In Section 7b, lines 11 and 12, the director of the Grain Warehouse Division shall be appointed by the Commissioner. There is no provision in the bill providing that the director shall be confirmed. In fact, no appointee can be confirmed except those appointed by the Governor by and with the advice and consent of the Senate.

Section 7a, page 5, lines 5, 6, and 7, provides that the Grain Warehouse Commissioner shall have the same rights, powers, duties, tenure of office, and compensation now provided for the Warehouse Commissioner, etc. Section 7c, lines 24 to 28, inclusive, provides that the director of the Grain Warehouse Division shall, with the approval of the Commissioner, appoint and fix the compensation of such clerks, stenographers, inspectors, and other employees necessary for the

proper execution of his duties. It is not clear in the bill as to the status of the employees of the Grain Warehouse Department if they should come into the Department of Agriculture as a new division.

For the reasons hereinabove set forth I cannot approve this bill.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MAY 11, 1946

From the Journal of the House of Representatives, pp. 4163-4165

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 11, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith, with my veto and without my approval, House Committee Substitute for House Bill No. 815, entitled:

"AN ACT

"To create a county court; provide for county court districts, for the election, appointment, commission, term of office, and qualifications of judges of the county courts; provide certain powers and duties of the county courts; provide terms, procedure, and for judicial reviews of proceedings in the county courts; prohibit judges of the county courts from contracting with the county and doing certain other acts, and fixing penalties for the violation thereof; and to repeal Section 2474 of Article 13, Chapter 10, Revised Statutes of Missouri, 1939, as amended by an act of the 63rd General Assembly of Missouri, known as House Bill No. 708, approved December

19, 1945, relating to county courts, their organization and districting of counties into county court districts; and to repeal Sections 2475 to 2497, both inclusive, of the Revised Statutes of Missouri, 1939, the said Section 2474 and Sections 2475 to 2497, both inclusive, constituting the entire Article 13, Chapter 10, Revised Statutes of Missouri, 1939, relating to county courts, their organization, powers, procedure, appeals, and related matters."

Section 1, page 2, lines 6 to 9, inclusive, of House Committee Substitute for House Bill No. 815, provides that each county shall be districted by the county court into two districts as nearly equal in population as practicable, without dividing municipal townships. In lines 11 to 17 of the same section of House Committee Substitute for House Bill No. 815 it is provided further "that in each county of the second, third and fourth class, where the population of any one district varies from one-half the population of such county by more than one-fourth thereof, the county court shall redistrict such county court districts as herein provided except that in such counties municipal townships may be divided." (Underscoring mine.)

It is my opinion, that from the wording of the above provision it is impossible to determine whether the variation of one-fourth, which is referred to, is from one-half the population of such county or from the total population of such county. I believe that this constitutes a serious ambiguity in this provision of Section 1 of House Committee Substitute for House Bill No. 815.

Furthermore, the effect of allowing municipal townships to be divided in any county would, in my opinion, allow the voters of the divided township to vote for either of the county judges who are to be elected from the two districts. This would be true since the voters of any divided township could vote in any precinct within that township and would thus not be restricted to voting in the county court district in which they lived. Section 11469, Revised Statutes of Missouri, 1939, as amended by Laws of Missouri, 1943, page 555, relating to the qualifications of voters provides: ". . . each voter shall vote only in the township in which he resides . . . ."

In construing Section 4748, Revised Statutes of Missouri, 1919, which section is now Section 11469, Revised Statutes of Missouri, 1939, as amended, the Supreme Court of Missouri in State v. Pearson, 288 Missouri, 103 said, l. c. 107:

> "The statute does not require that he shall live in the precinct in which he voted, but only that he shall vote in the township in which he resides."

Therefore, as stated above, a voter could vote in any precinct in the township in which he resides. In my opinion the provision in Section 1 of House Committee Substitute for House Bill No. 815, allowing municipal townships to be divided, is unworkable without a change in the election laws.

The proviso on page 2 of the bill, lines 11 to 17, inclusive, applies in counties of the second, third, and fourth class. It does not apply in counties of the first class. It is my opinion that it would be impractical and unworkable to divide townships in the smaller rural counties of the third and fourth classes. If townships are to be divided I see no occasion to exempt counties of the first class.

Section 2, page 2, of House Committee Substitute for House Bill No. 815 provides for the election of the presiding and associate judges of the county court. In lines 2 and 3 of Section 2, the election applies "in all counties of this State." In Laws of Missouri, 1943, page 509, there is a section pertaining to the election of judges of the county court in counties of not less than 250,000 nor more than 450,000 inhabitants. This section in Laws of Missouri, 1943, page 509, should be repealed in order to comply with the new classification of counties.

I call attention to the fact that on page 3, Section 2, lines 17, 18, 19, and 20, it provides that "Each judge of the county court elected or appointed under the provisions of this act shall enter upon the duties of his office on the 1st day of January next after his election . . . ." The words "or appointed" evidently should be stricken out, for if a judge is appointed to fill a vacancy his appointment would become effective immediately and he would not have to wait until the first day of January to assume the duties of his office. The words "or appointed" in line 18 are confusing.

In Section 6, page 3, line 8, the words "or appointed" should be inserted after the word "elected" and before the word "and" to make said section comply with Section 4, Article IV, Constitution of 1945.

House Bill No. 708, enacted by the 63rd General Assembly and approved December 19, 1945, was enacted for the purpose of complying with Section 7, Article VI of the Constitution of 1945. The words "of whom the probate judge may be one" in Section 2474, Revised Statutes of Missouri, 1939, were stricken out by House Bill No. 708. In my opinion House Bill No. 708 meets the requirements of Section 7, Article VI of the 1945 Constitution and there is no need to repeal it. If counties want to frame and adopt their own charters or adopt an alternative form of county government they can do so without conflicting with the provisions of Section 2474 of House Bill No. 708.

The other sections in House Committee Substitute for House Bill No. 815 with few exceptions are the same as the present sections in Article 13, Chapter 10, Revised Statutes of Missouri, 1939, pertaining to county courts. There is nothing contained in House Committtee Substitute for House Bill No. 815 which is essential to the adequate and proper functioning of the county courts of this State or which is necessary under the Constitution. In view of the ambiguous and unworkable provisions in House Committee Substitute for House Bill No. 815 I believe the present laws pertaining to county courts would be more practical and workable than to approve this bill, and for that reason I am vetoing it.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE HOUSE OF REPRESENTATIVES

JUNE 26, 1946

From the Journal of the House of Representatives, pp. 4525-4527

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 26, 1946.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, House Bill No. 922, entitled:

"AN ACT

"To repeal Section 12986, Article 2, Chapter 85, Revised Statutes of Missouri, 1939, relating to the contingent fund for the prosecuting attorney in counties of 100,000 to 400,000 inhabitants, and to repeal Section 13470, Article 4, Chapter 99, Revised Statutes of Missouri, 1939, relating to the contingent fund of the prosecuting attorney in counties containing a population of 350,000 to 750,000 inhabitants, and to enact in lieu thereof a new section relating to the contingent fund of the prosecuting attorney in Class 1 counties, to be known as Section 12986."

House Bill No. 922 in Section 12986, lines 1 to 5 inclusive, provides:

> "In all counties of Class 1 there shall be set aside annually by the county clerk of such county in January of each year a contingent fund in the amount of $3,000 for the use of the office of the prosecuting attorney of such county, ..." (underscoring mine)

It is my opinion that county clerks in counties of the first class, or any other class, are without authority to set aside a contingent fund in any amount without the specific action of the county court.

Section 7 of Article VI of the Constitution of 1945, provides:

> "In each county not framing and adopting its own charter or adopting an alternative form of county government, there shall be elected a court of three members which shall manage all county business as prescribed by law, and keep an accurate record of its proceedings. The voters of any county may reduce the number of members to one or two as provided by law." (underscoring mine)

The underlined portions of this section very closely resemble Section 36 of Article VI of the Constitution of 1875, the pertinent part of which read: ". . . shall have jurisdiction to transact all county and such other business . . . ."

Concerning Section 36 of Article VI of the Constitution of 1875 our Supreme Court in State ex rel. Buckner vs. McElroy, 309 Mo. 595, l. c. 608, said:

> "The gist of this case hovers around Section 36 of Article VI of the Missouri Constitution for 1875. This section reads: 'In each county there shall be a county court, which shall be a court of record, and shall have jurisdiction to transact all county and such other business as may be prescribed by law. . . . Likewise we find the power to sell property belonging to the county, and to audit and settle all demands against the county. Much of this section has stood for many years, and is and was a legislative construction of the Constitution when it speaks of transacting county business. . . ." (underscoring mine)

And on page 610 the decision approves the language of an Oregon case, as follows:

> " 'County business,' within Article VII, Section 11, 12, of the Constitution, authorizing the Legislature to provide for the election of two commissioners to sit with the county judge while transacting county business, and the statute providing for the election of two persons to sit with the county judge in the transaction of county business, means all business pertaining to the county as a corporate entity, and the Legislature may neither limit nor extend the operation of the Constitution, and a pro-

ceeding to create a new county out of territory of an existing county is county business."

That the expenditures contemplated by the above-mentioned House Bill No. 922 constitute "county business," within the meaning of this constitutional provision, has been determined by our Supreme Court in another case, Graves v. Purcell, 85 S. W. (2d) 543, a decision by the Supreme Court En Banc. In that case the County Budget Law, particularly those sections relating to the estimate of expenditures submitted by the circuit clerk, were under attack on the ground that they violated the provisions of the constitutional provision directing that county courts transact all county business. In denying this contention, the court stated, l. c. 550:

". . . We do not think that the section of the act here complained of grants to the circuit court or to the circuit clerk any power to expend money, but merely provides for the payment to the court and its clerk of such expenditures as under existing law the court and its clerk may be entitled to make and which are chargeable to the county. . . ." (underscoring mine)

In interpreting the words "county business," a Texas Court of Civil Appeals in Glenn v. Dallas County Bois D'Arc Island Levee Dist., 275 S. W. 137, l. c. 145, stated:

". . . Within the meaning of the Constitution creating and conferring jurisdiction upon commissioners' courts, we think it is proper to give to the term 'county business' a broad and liberal construction so as not to defeat the real purpose that was intended to be accomplished by the law in providing that the commissioners' court shall exercise such power and jurisdiction over all county business as is conferred by the Constitution and the laws of the state, or as may be hereafter prescribed, ..."

In view of Section 7, Article VI of the Constitution of 1945 and the foregoing decisions, it is plain that expenditure of the sum of $3,000.00 by setting it aside for the use of the office of the prosecuting attorney clearly constitutes "county business" within the meaning of Section 7 of Article VI of

the Constitution of 1945 and would therefore be an act which could be performed only by the county court itself and would be an unwarranted attempt to delegate power to the clerk of said court.

I am therefore of the opinion that the county clerk is without authority to set aside the sum of $3,000.00 for the use of the prosecuting attorney in counties of the first class without action of the county court of the county concerned.

Respectfully submitted,

PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JULY 10, 1946

From the Journal of the Senate, pp. 4140-4141

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 10, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, Senate Committee Substitute for Senate Bills Nos. 33, 34, 35, 36, 37, 38, and 39, entitled:

"AN ACT

"To repeal Sections 11939, 11940, 11942, 11944, 11945, 11949 and 11952, Article 19, Chapter 76, of the Revised Statutes of Missouri 1939, relating to registration and elections in all cities of this State which now contain or may hereafter contain ten thousand inhabitants and less than thirty thousand inhabitants, and to enact in lieu thereof seven new sections, relating to the same subject matter, to be known as Sections 11939, 11940, 11942, 11944, 11945, 11949 and 11952."

This Senate Committee Substitute was originally seven separate bills. Each bill dealt with a section of the Statutes. However, all of said bills were consolidated into Senate Committee Substitute for Senate Bills Numbers 33 to 39 inclusive.

Section 11939 of this Substitute makes only one change in the present law and that is in lines 6 to 12 inclusive, page 2, where two registrars of election are provided for instead of one as in the present law. Said two registrars are to be elected from the two political parties casting the highest number of votes for Governor at the last preceding State election. I have no specific objection to this change and if this section were in a separate bill I would approve it.

Section 11940, page 3, of this Substitute changes the present law with reference to the city clerk. It takes away his duties as an ex-officio member of the board of registrars but leaves him as the custodian of the registration books and as secretary of the board of registrars. There is no legitimate reason why the city clerk should not be an ex-officio member of the board of registrars. The city clerk is on duty at his office on the usual business days and at the regular office hours and it is a convenience to the voter to be able to register at the office of the city clerk at any time during the year as provided for in Section 11949, Revised Statutes of Missouri, 1939.

Section 11942 makes only one change and that is in line 7 wherein the words "or the ex-officio member" are not included in this section. This is in accordance with the provision in Section 11940 in taking away the duties of the city clerk as ex-officio member of the board.

Section 11944 makes a specific provision in lines 3 to 8 inclusive, page 4, that the days of registration shall be the first and third Mondays of the two months immediately preceding the month in which any special or municipal, or primary, State, county, or city election may be held in the city. This provision specifically limits the days for registration to those four days in those two months.

Section 11945 has a new provision found in lines 9 to 13 inclusive, page 5, wherein it is provided that when any person has changed his domicile to a precinct or ward other than the one in which he is legally registered, such person shall not be qualified to vote in the precinct or ward from which he

has moved his domicile. In other words, if a person moved from one precinct to another and did not register on one of the four days provided for in Section 11944 he would be barred from voting because this provision in Section 11945 would prohibit him from voting in the precinct or ward from which he was registered, although he is a legal resident of the city but merely had moved from one precinct to another and did not register on one of the four days mentioned in Section 11944. If a citizen moves from one precinct to another after the registration books are closed he will be prevented from voting at the election unless he would be able to obtain an order from a judge of the circuit court.

Section 11949 omits a provision from the present law which I think is very important in the registration laws of cities of this class and also is a great convenience to the citizens. The present law provides:

> "Section 11949. Registration shall be conducted at the office of the clerk of the board, throughout the entire year, except as herein provided, upon the usual business days, and at the regular office hours, and at additional hours, at the discretion of the board. The board may also provide for and give notice of other places of registration as in its judgment the best interests of the service require, which places shall be open for registration at such times as the board may direct."

In other words, if an eligible voter has failed to register on one of the days mentioned in the present law he still has the opportunity under this provision in Section 11949 to register at the office of the clerk of the board. Under the present law the clerk of the board is an ex-officio member of the board and has the authority to register a voter at any time prior to ten days before the election. However, under this Committee Substitute the clerk is no longer an ex-officio member of the board and therefore has no authority to register a voter. The net result is that if an eligible voter failed to register on one of the four days mentioned in Section 11944 then he is barred from voting except by an order of a judge of the circuit court. Not every city of the class affected (10,000 to 30,000) has a circuit judge residing in the city who is available for the purpose of registering voters. In my opinion this

would prevent many eligible persons from voting because they would be unable to register. Registration laws should not be so written as to make it difficult for qualified voters to register.

Of course there is a provision in Section 11949, which also is in the present law, providing that a person who has been unable to register may appear before two judges of election in the precinct where the voter resides and said judges shall have the authority to register such voters. From a practical standpoint this is unworkable and anyone familiar with elections knows that it is unworkable and that but few voters could be registered on the day of election because the judges are too busy with their duties as election judges. The result will be that voters who are in all respects qualified to vote in the election will be prohibited from voting because they were unable to register.

If the above quoted provision of Section 11949, which is now in the present law, had been included in this bill I would be inclined to approve this bill, but with this provision of the present law omitted and the registration limited to four days as provided for in Section 11944, I do not think this Committee Substitute should become a law.

For the above reasons I am unable to approve this bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

AUGUST 1, 1946

From the Journal of the House of Representatives, pp. 4705-4707

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 1, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 989, entitled:

"AN ACT

"To appropriate money to pay the salaries, wages and per diem and other expenses of the Civil Officers and employees and of other departments and agencies of the State Government as follows: the Executive Offices, the Secretary of State, the State Auditor, the State Treasurer, the Attorney-General, Supreme Court, St. Louis Court of Appeals, Kansas City Court of Appeals, Springfield Court of Appeals, Circuit and Common Pleas Court Judges, Special Judges, the Judicial Conference, magistrates, the Department of Business and Administration, the Department of Conservation, the Highway Department, the Department of Labor and Industrial Relations, the Department of Agriculture, the State Highway Patrol, the Supervisor of Liquor Control, the Adjutant-General, the Missouri Military Forces, the State Service Officer, the Children's Code Commission and Missouri's participation in the Council of State Governments; for the period beginning July 1, 1946 and ending June 30, 1947."

and append to said bill, at the time of signing it, the following statement of items, or portions of items, to which I object, which items and portions of items are returned without my approval, for the reasons herein below stated which said reasons accompany said bill and are my objections to said items and portions of items.

It is my opinion that the greater part of the appropriation in Section 4.051 should have been made to the Comptroller instead of the State Auditor. The greater part of the duties formerly performed by the Auditor for the State Highway Department, for which this appropriation is made, are now performed by the Comptroller. However, the General Assembly may not have appropriated sufficient funds for the Comptroller to carry out his duties and it is very likely that the Comptroller will have to use employees of the State Auditor for this particular work. If so, this appropriation for personal service should be available for that purpose.

I am of the opinion that $10,000.00 of the appropriation for personal service probably will be sufficient; however, I am approving the amount set out in the bill, $35,000.00 for personal service, with the understanding that I will control the

expenditure of $25,000.00 of this amount by allotment upon proof that any portion of the $25,000.00 is necessary for the Comptroller and Auditor to carry out the purpose of this section.

I have discussed this matter with the Comptroller and the State Auditor and they agree to handle the appropriation in this manner.

I call attention to Section 4.390, page 61, lines 7 to 10, inclusive, wherein the salaries, wages, and per diem of the officers and employees and other expenses of the Commissioner of the State Department of Agriculture are appropriated "in the administration of an Act of the 63rd General Assembly, Laws of Missouri, 1945, page 305; for the period beginning July 1, 1946 and ending June 30, 1947."

There is no act of the 63rd General Assembly, Laws of Missouri, 1945, page 305. In fact the Laws of Missouri for 1945 have not been printed. It was evidently the intention of the General Assembly to refer to an act of the 61st General Assembly, Laws of Missouri, 1941, page 305, as there is such an act in the Laws of Missouri, 1941, at page 305, providing for apple merchandising fees, an apple merchandising fund, and also other provisions. However, several sections of that act were repealed and reenacted by Senate Bill No. 109 of the 63rd General Assembly which has been passed and approved.

Section 23, Article IV of the Constitution of 1945 provides:

> ". . . Every appropriation law shall distinctly specify the amount and purpose of the appropriation without reference to any other law to fix the amount or purpose."

This section (4.390) of the appropriation bill refers to another law to fix the purpose, to wit: the act of the 63rd General Assembly of Missouri, Laws of Missouri, 1945, page 305, but as above stated, there is no such act but if there were it still would be an incorrect way to state the purpose of the appropriation in view of the above constitutional provision.

The State Treasurer has no authority to pay out public funds on a guess or speculation as to the purposes of an appropriation act.

For the reasons herein stated I do not approve the appropriation of $10,000.00 set forth in Section 4.390 and therefore said amount is vetoed.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

AUGUST 7, 1946

From the Journal of the Senate, pp. 4148-4149

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

August 7, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, Senate Bill No. 301, entitled:

"AN ACT

"To repeal Sections 10346, 10353, 10357, 10367, 10370, 10374, 10387, 10390, 10392, 10393, and 10397, of Article II, Chapter 72, Revised Statutes of Missouri, 1939; also an act of the 61st General Assembly approved August 9, 1941, pages 547-548, Laws of Missouri, 1941; also an act of the 62nd General Assembly approved August 2, 1943, page 909, Laws of Missouri, 1943; relating to all classes of schools and to enact in lieu thereof thirteen new sections to be known as Sections 10327a, 10327b, 10346, 10353, 10357, 10364a, 10367, 10374, 10390, 10392, 10393, and 10397, relating to the same general subject matter, giv ng to the State Board of Education and the State Commissioner of Education certain powers and duties heretofore vested in the State Superintendent of Public Schools."

Senate Bill No. 301 in the title thereof states that it is an act to repeal fourteen sections of the 1939 Statutes, including two sections of the Laws of Missouri, 1941, pages 547 and 548, and also one section of the Laws of Missouri, 1943, page 909, and enacting in lieu thereof thirteen new sections. However, there are only twelve sections set out in the title. This same error appears in Section 1 of the bill.

In the title and also in Section 1 of Senate Bill No. 301, Section 10387 of the Revised Statutes of Missouri, 1939, is repealed. No section is enacted in lieu thereof. This is one of the sections that pertains to the foreclosure of school fund mortgages. In the case of Murphy vs. Butler County, 352 Missouri 1082, l. c. 1085, the Supreme Court of Missouri said:

> "The requirements for foreclosure of School Fund mortgages are set out in Sections 10385 and 10387."

The Supreme Court also held in said case, l. c. 1085:

> "The order of sale required by Section 10387 is essential to a valid sale." Citing Benton County vs. Morgan, 163 Missouri 661.

Section 10385 was amended by an act of the 62nd General Assembly, Laws of Missouri, page 880. However, the amendment merely added another condition that should be included in the form of mortgage. In view of the fact that Sections 10385 and 10387 are the two sections which provide for the foreclosure of school fund mortgages, it is my opinion that Section 10387 should not be repealed. This is especially true in view of the fact that the Supreme Court has held in the above cited case of Murphy vs. Butler County, that the order of sale required in said section is essential to a valid sale of land under a school fund mortgage. The Supreme Court decided the Murphy case as late as June, 1944.

Section 10370 is repealed by Senate Bill No. 301 and no section enacted in lieu thereof pertaining to the same subject matter. I doubt the advisability of an outright repeal of Section 10370. This section pertains to a requirement that textbooks on physiology, used in the public schools of Missouri, shall contain a chapter or chapters on dental hygiene. I think the instruction in dental hygiene and physiology in the public

schools is of sufficient importance that the textbooks on these subjects should contain a chapter or chapters concerning instruction on prevention of defects and diseases of the mouth and teeth. In re-writing this bill I suggest that the repealing of Section 10370 be given serious consideration.

The remaining sections of Senate Bill No. 301 relate to changes in the sections of the school laws in order to make said sections conform to the provisions of the new Constitution. These changes can be made in another bill without seriously interfering with the operation of the present laws, while Section 10387 is of such importance that I do not believe this bill should be approved in its present form.

The salaries set forth in Senate Bill No. 301 have been approved in other bills.

I suggest that this bill be re-written to conform to the suggestions in this message.

For the above reasons I cannot approve this bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

AUGUST 8, 1946

From the Journal of the Senate, pp. 4149-4150

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 8, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, Senate Bill No. 331, entitled:

"AN ACT

"To amend Section 9454, Article 1, Chapter 54, Revised Statutes of Missouri, 1939, relating to the granting

of certificate to applicant for pension and certifying the same, by striking out of the third line, the ninth line and the eighteenth line of said Section 9454 the word 'probate' and inserting in each instance in lieu thereof the word 'magistrate', with an effective date."

Senate Bill No. 331 refers only to one section of the Revised Statutes of Missouri, 1939, to wit: Section 9454. However, this same Section 9454 was repealed and reenacted in Senate Bill No. 453 of the 63rd General Assembly which has been passed and approved. The only change that Senate Bill No. 331 makes in Section 9454 of the Revised Statutes of Missouri, 1939, is the word "probate" is stricken out in three places and the word "magistrate" inserted in lieu thereof.

We still have probate courts in Missouri. If there is any question about persons applying to the probate court for the benefits of this article (pensions to the blind) they have the right, under Senate Bill No. 349, to apply to the Division of Welfare of the Department of Public Health and Welfare for the benefits referred to in Section 9454, because the duties of the Missouri Commission for the Blind have been transferred to and vested in the Division of Welfare of the Department of Public Health and Welfare by Senate Bill No. 349 of the 63rd General Assembly.

Senate Bill No. 331 did not change the words "state auditor" in lines 11 and 18 to "comptroller." However, this change was made in Section 9454 of Senate Bill No. 453. The following words in lines 7 and 8: "Missouri commission for the blind at its office in St. Louis, Missouri" should have been stricken out of Senate Bill No. 331 and the following words inserted in lieu thereof: "the Division of Welfare of the Department of Public Health and Welfare at its office in Jefferson City, Missouri." In lines 3 and 4 of Senate Bill No. 331, the words "to the commission for the blind" should have been stricken out and the words "Division of Welfare of the Department of Public Health and Welfare" inserted in lieu thereof.

Because of the errors in Senate Bill No. 331, as herein stated, and the fact that this subject matter is included in Senate Bill No. 453, there is no point in approving Senate Bill No. 331.

It is my opinion that Section 9454, as set forth in Senate Bill No. 453, should be repealed and reenacted so that applicants for blind pensions may apply to the probate court or magistrate court or to the Division of Welfare of the Department of Public Health and Welfare at its office in Jefferson City, Missouri, for the benefits of this article.

For the reasons herein stated I veto this bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

AUGUST 19, 1946

From the Journal of the House of Representatives, pp. 4711-4714

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 19, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, House Bill No. 569, entitled:

"AN ACT

"To repeal Section 9283 of an Act of the Sixty-third General Assembly, known as Senate Bill No. 129, approved March 25, 1946, relating to State Eleemosynary Institutions, nurses, attendants, and other employees, their employment and compensation and to enact in lieu thereof one new section relating to State Eleemosynary Institutions, nurses, attendants and other employees, their employment, compensation, wages and number of hours of work a day, to be known as Section 9283."

The 63rd General Assembly passed Senate Bill No. 129 fixing the compensation of employees in the State Hospitals at not less than $900.00 per year or $75.00 per month.

The 63rd General Assembly passed Senate Bill No. 85 increasing the salary of the Superintendent of the Missouri State Sanatorium at Mount Vernon to a sum not to exceed $6,000.00 per annum.

Said General Assembly also passed Senate Bill No. 86 increasing the salaries of the Superintendents at the several State Hospitals to an amount not exceeding $6,000.00 per annum.

Said General Assembly passed Senate Bill No. 87 increasing the salary of the staff physicians at the State Hospitals at not to exceed $4,000.00 per year and also increased the number of physicians.

However, the 63rd General Assembly failed to provide sufficient funds to pay these increases.

For instance, at State Hospital No. 1, Fulton, the appropriation for Personal Service for the fiscal year was $450,000.00 or $37,500.00 per month. The monthly payroll for June, 1946, was $32,604.27. This difference of $4,895.73 per month is not sufficient to put into effect the present laws that are now in effect and the eight hour law (House Bill No. 569). The sum of $6,234.00 per month is needed to raise the present employees to a minimum of $75.00. The sum of $517.27 per month is needed to increase the present employees proportionately. The sum of $1,085.79 per month is needed to increase the salary of the superintendent and physicians under the above mentioned bills. It will require $1,512.00 per month for additional employees needed under the present set up. If House Bill No. 569 should become a law (the eight hour bill) it will require $8,400.00 per month to put it into operation. The present payroll plus the above enumerated additions would require an appropriation of $50,353.33 per month or $604,239.96 per year. As only $450,000.00 for Personal Service for State Hospital No. 1 for this fiscal year was appropriated, there would be a shortage of $154,239.96 in Personal Service for State Hospital No. 1 for this fiscal year.

At State Hospital No. 2, St. Joseph, the appropriation for Personal Service for the fiscal year was $450,000.00 or $37,500.00 per month. The monthly payroll for June, 1946, was $34,871.84. This difference of $2,628.16 per month is not sufficient to put into operation the present laws that are now in effect and the eight hour law. The sum of $355.00 per

month is needed to raise the present employees to a minimum of $75.00. The sum of $885.00 per month is needed to increase the present employees proportionately. The sum of $930.00 per month is needed to increase the salary of the superintendent and physicians under the above mentioned bills. It will require $7,500.00 per month for additional employees needed under the present set up. If the eight hour bill should become a law it will require $8,500.00 per month to put it into operation. The present payroll plus the above enumerated additions would require an appropriation of $53,041.84 per month or $636,502.08 per year. As only $450,000.00 for Personal Service for State Hospital No. 2 for this fiscal year was appropriated, there would be a shortage of $186,502.08 in Personal Service for State Hospital No. 2 for this fiscal year.

At State Hospital No. 3, Nevada, the appropriation for Personal Service for the fiscal year was $357,000.00 or $29,750.00 per month. The monthly payroll for June, 1946, was $30,409.35. The June, 1946, payroll is $659.35 more than the average monthly amount which was appropriated. The sum of $300.00 per month is needed to raise the present employees to a minimum of $75.00. The sum of $670.84 per month is needed to increase the salary of the superintendent and physicians under the above mentioned bills. It will require $3,375.00 per month for additional employees needed under the present set up. If the eight hour bill should become a law it will require $6,425.00 per month to put it into operation. The present payroll plus the above enumerated additions would require an appropriation of $41,180.19 per month or $494,162.28 per year. As only $357,000.00 for Personal Service for State Hospital No. 3 for this fiscal year was appropriated, there would be a shortage of $137,162.28 in Personal Service for State Hospital No. 3 for this fiscal year. No proportionate increase for present employees is figured but if this is done it will take an additional $1,070.00 per month for said increase.

At State Hospital No. 4, Farmington, the appropriation for Personal Service for the fiscal year was $332,075.00 or $27,672.91 per month. The monthly payroll for June, 1946, was $25,601.99. This difference of $2,070.92 per month is not sufficient to put into operation the present laws that are now in effect and the eight hour law. The sum of $952.00 per month is needed to raise the present employees to a minimum

of $75.00. The sum of $580.00 per month is needed to increase the present employees proportionately. The sum of $410.00 per month is needed to increase the salary of the superintendent and physicians under the above mentioned bills. It will require $4,620.00 per month for additional employees needed under the present set up. If the eight hour bill should become a law it will require $6,500.00 per month to put it into operation. The present payroll plus the above enumerated additions would require an appropriation of $38,663.99 per month or $463,967.88 per year. As only $332,075.00 for Personal Service for State Hospital No. 4 for this fiscal year was appropriated, there would be a shortage of $131,892.88 in Personal Service for State Hospital No. 4 for this fiscal year.

At Missouri State School at Marshall and Carrollton the appropriation for Personal Service for the fiscal year was $212,340.00 or $17,695.00 per month. The monthly payroll for June, 1946, was $15,450.60. This difference of $2,244.40 per month is not sufficient to put into operation the present laws that are now in effect and the eight hour law. The sum of $1,210.00 per month is needed to raise the present employees to a minimum of $75.00. The sum of $340.00 per month is needed to increase the present employees proportionately. The sum of $248.00 per month is needed to raise the salary of the superintendent and physicians under the above mentioned bills. It will require $1,835.00 per month for additional employees needed under the present set up. If the eight hour bill should become a law it will require $3,155.00 per month to put it into operation. The present payroll plus the above enumerated additions would require an appropriation of $22,238.60 per month or $266,863.20 per year. As only $212,340.00 for Personal Service for the Missouri State School at Marshall and Carrollton for this fiscal year was appropriated, there would be a shortage of $54,523.20 in Personal Service for Missouri State School for this fiscal year.

On the present basis if the salary of employees was increased to a minimum of $75.00 per month and other employees were increased proportionately and the salaries of the superintendents and physicians were increased, it would amount to a total of $1,843,871.40. The total appropriations for Personal Service amount to $1,801,415.00 or a shortage of $42,456.40 on the present basis. This does not allow for any

additional employees. If additional employees were allowed, it would require $18,842.00 per month or $226,104.00 per annum. In other words, if the present laws are put into operation and if additional employees, which are needed, are included, the present appropriation for Personal Service for this fiscal year is short $268,560.40. If the eight hour law were put into effect it would require an additional $32,980.00 per month or $395,760.00 per annum. In other words, to put the present laws into operation, and to employ additional employees needed, and to put the eight hour law into effect would require an additional appropriation of $664,320.40.

In view of the fact that the General Assembly has not appropriated sufficient funds to put into operation the present laws that now apply to these institutions and as I do not know whether or not an additional amount will be appropriated to put into effect the eight hour law, I cannot approve the eight hour law at this time.

There is another reason why there is a serious doubt as to whether House Bill No. 569 should be enacted and that is because it will conflict with House Bill No. 162, known as the State Merit System Act. House Bill No. 569 pertains to the State Hospitals and said hospitals are included in the Merit System Act provided for by House Bill No. 162. Said House Bill No. 162 provides, among other things, as follows:

> "Section 9. The Board shall have power to prescribe such rules and regulations not inconsistent with the provisions of this act as it deems suitable and necessary to carry out the provisions of this act. Such rules and regulations shall be effective when filed with the secretary of state as provided by law."

Section 32 provides as follows:

> "The regulations shall provide for the hours of work, holidays, attendance, and leaves of absence in the various classes of positions subject to this act. . . ."

It is my opinion, when the Merit System Act becomes operative, that the Merit System Board will have the right to provide and regulate the hours of work in the different eleemosynary institutions and for that reason the provisions of House

Bill No. 569 providing for an eight hour day conflict with the provisions of House Bill No. 162.

For the reasons herein given I cannot approve this bill.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

AUGUST 21, 1946

From the Journal of the House of Representatives, pp. 4714-4723

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

August 21, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 1026, entitled:

"AN ACT

"Appropriating money for the support of the State Government for payment of certain contingent and incidental expenses of the State Government, for the period beginning July 1, 1946, and ending June 30, 1947; and to appropriate money for the payment of various forms of relief; for the several departments of the State Government, several boards, bureaus, and commissions and state officers, and persons, firms and corporations for the payment of which the state may be liable, and appropriating funds for other purposes for the period beginning July 1, 1946, and ending June 30, 1947, and prior years."

and append to said bill, at the time of signing it, the following statement of items, or portions of items, to which I object, which items and portions of items are returned without my approval, for the reasons herein below stated which said reasons accompany said bill and are my objections to said items and portions of items.

I.

Section 9.010, on page 2, in line 17, the name "Pendergast" is erroneous, it should be "Prendergast" and I suggest that the warrant be written correctly in accordance with the claim.

II.

Section 9.160, I am vetoing $40,000.00 of the appropriation of $75,000.00 mentioned in this section, for the reason it is my information that $35,000.00 will be sufficient to pay the refunds referred to in Section 9.160. This will leave $35,000.00 in effect, two-thirds of said amount to be chargeable to the General Revenue Fund and one-third chargeable to that part of the ordinary revenue fund set aside for the support of the free public schools. Said percentage being in accordance with the original amount set forth in Section 9.160.

III.

Section 9.310. There is hereby appropriated out of the State Treasury, chargeable to the General Revenue Fund, the sum of Fifty Thousand Dollars ($50,000.00) for the purpose of purchasing and installing an electric roll-call system in the chambers of the House of Representatives; for the period beginning July 1, 1946 and ending June 30, 1947.

I hereby veto and disallow the appropriation of $50,000.00 set forth in Section 9.310 for the reasons hereinafter set forth in the veto of Section 9.311.

IV.

Section 9.311. There is hereby appropriated out of the State Treasury, chargeable to the General Revenue Fund, the sum of Fifteen Thousand Dollars ($15,000.00), or so much thereof as may be necessary to install proper air conditioning units in the chambers of the Senate, for the period beginning July 1, 1946 and ending June 30, 1947.

I hereby veto and disallow the appropriation of $15,000.00 set forth in Section 9.311.

Honorable J. E. Taylor, the Attorney General, has furnished me with the following opinion in regard to the constitutionality of the above two numbered sections:

"House Resolution No. 73, passed by the House March 29, 1945, reads as follows:

> 'Be it resolved, that the Committee on purchasing of supplies, be, and the same is hereby, instructed to purchase and have installed at the earliest possible date an adequate mechanical device for reporting the roll of the House.'

"This Resolution purports to be the basis for an appropriation, Section 9.310 of House Bill No. 1026, which provides:

> 'Section 9.310. There is hereby appropriated out of the State Treasury chargeable to the General Revenue Fund, the sum of Fifty Thousand Dollars ($50,000.00) for the purpose of purchasing and installing an electric roll-call system in the chambers of the House of Representatives; for the period beginning July 1, 1946 and ending June 30, 1947.'

If there were no statutory authority for the appropriation then it would be in violation of Section 23, Article III of the Constitution of 1945, which provides that no bill shall contain more than one subject. The courts have construed this to mean that it is unconstitutional to legislate in an appropriation act. State ex rel. Davis v. Smith, 75 S. W. (2d) 828; State ex rel. Gains v. Canada, 113 S. W. (2d) 783.

"This brings us to the question of whether or not a House Resolution may be used instead of a statute to make a permanent addition to the House Chamber. A resolution is no more than an expression of the opinion of a legislative body and, in the case of Village of Altamont v. Baltimore & O. S. W. RR., 63 N. E. 340, the Supreme Court of Illinois said:

> 'A resolution or order is not a law but merely the form in which the legislative body expresses an opinion.'

Further, in the case of Conley v. Texas Division of U. D. of the Confederacy, (Tex.) 164 S. W. 24, the court said, l. c. 26:

'The chief distinction between a resolution and a law seems to be that the former is used whenever the legislative body passing it wishes to merely express an opinion as to some given matter or thing, and is only to have a temporary effect on such particular thing; while by the latter it is intended to permanently direct and control matters applying to persons or things in general. . . .'

In 54 C. J., p. 721, in defining a resolution, it is stated:

'. . . The term has been defined as a formal expression of the opinion or will of an official body or a public assembly adopted by a vote: . . .'

With these definitions in mind, we believe that a resolution of this type, which attempts to be the statutory authority for the appropriation of money to install a permanent roll-call machine in the House Chamber, is in violation of Section 21, Article III, of the Constitution of 1945, which reads in part as follows:

'. . . No law shall be passed except by bill, . . .'

"Section 9.311, of House Bill No. 1026, provides:

'Section 9.311. There is hereby appropriated out of the State Treasury, chargeable to the General Revenue Fund, the sum of Fifteen Thousand Dollars ($15,000.00), or so much thereof as may be necessary to install proper air conditioning units in the chambers of the Senate, for the period beginning July 1, 1946 and ending June 30, 1947.'

In this case we have no statutory authority, or purported statutory authority by resolution for the appropriation. As said above, this does not comply with Section 23, of Article III, of the Constitution of 1945. It might be argued that it is not necessary to have further statutory authority for either of these appropriations, because it may be found in Section 12872, R. S. Mo. 1939, which provides:

'Each house shall control its own contingent expenses; and when any accounts, properly chargeable to the house of representatives, shall be adjusted and allowed according to the rules of that house, a certificate thereof shall be granted, signed by the speaker and attested by the

chief clerk; and when any account or demand for contingent expenses of the senate shall be allowed according to the rules of that house, a certificate thereof shall be granted, signed by the president and attested by the secretary.'

In the case of Johnson et al. v. Donham et al., 84 S. W. (2d) 374, the court, in defining contingent expenses stated, l. c. 376:

'. . . that is, such expenses as might ordinarily be expected to arise in the conduct of the office, but which might not occur. . . .'

Further, in William P. Dunwoody v. The United States, 22 Court of Claims Rep. 269, the court states, l. c. 280:

'. . . The adjectives contingent, incidental, and miscellaneous, as used in appropriation bills to qualify the word expenses, have a technical and well-understood meaning; it is usual for Congress to name the principal classes of expenditure which they authorize, such as clerk hire, fuel, light, postage, telegrams, &c., and then to make a small appropriation for the minor and unimportant disbursements incidental to any great business, which cannot well be foreseen and which it would be useless to specify more accurately. For such disbursements a round sum is appropriated under the head of "contingent expenses," . . .'

It seems very clear to us that a capital investment, such as the voting machine and air conditioning unit, could not be called contingent expense.

"It is, therefore, my conclusion that Section 9.310 and Section 9.311 of House Bill No. 1026, are unconstitutional because there is no statutory authority for the appropriations found in these sections."

I concur in the opinion of the Attorney General.

V.

Section 9.341. There is hereby appropriated out of the State Treasury chargeable to the General Revenue Fund the sum of Thirty Million Dollars ($30,000,000.00) to be

transferred and set apart to the Missouri Postwar Reserve Fund for the period beginning July 1, 1946 and ending June 30, 1947.

Honorable J. E. Taylor, the Attorney General, has furnished me with the following opinion in regard to the constitutionality of the above numbered section:

"The 63rd General Assembly by Senate Committee Substitute for House Bill No. 14 created a fund known as 'The Missouri Postwar Reserve Fund.' Said act provided that the fund should consist of:

'moneys appropriated by the General Assembly of the State of Missouri to be credited to such fund, and any moneys paid into the state treasury, and required by law to be credited to such fund.'

"The act further provided that:

'This fund shall be kept separate and apart from all other moneys in the state treasury and shall be paid out as provided by law.' (Emphasis mine)

"The purpose of the fund as provided in the act was that:

'Such moneys, after appropriation pursuant to law, shall be available only for postwar capital projects, postwar public works, postwar unemployment projects, and for other purposes considered by the general assembly to be necessary for postwar rehabilitation and improvements for Missouri.' (Emphasis mine)

"Pursuant to the above quoted enabling act the General Assembly in Senate Committee Substitute for House Bill No. 15 provided:

'There is hereby appropriated out of the State Treasury, chargeable to the general revenue fund, the sum of eighteen million dollars ($18,000,000.00) to be transferred and set apart to the Missouri Postwar Reserve Fund.'

"The General Assembly further in an appropriation act, House Bill No. 1026, Section 9.341 provided:

'There is hereby appropriated out of the State Treasury chargeable to the General Revenue Fund the sum of Thirty Million Dollars ($30,000,000.00) to be transferred and set apart to the Missouri Postwar Reserve Fund for the period beginning July 1, 1946 and ending June 30, 1947.'

"Out of the fund set up by the above statutes, House Bill No. 837 appropriated $5,366,750.00 for the purpose of building dormitories at various state colleges in Missouri. Out of the same fund House Bill No. 992, Sections 7.012, 7.013 and 7.022 appropriated $1,212,750.33 to the State University and the School of Mines for various stated educational purposes.

"From reading the above statutes the following questions arise:

"1) Are House Bill No. 1026 and Senate Committee Substitute for House Bill No. 15, which transfer $48,000,000.00 out of the General Revenue to the Postwar Reserve Fund, appropriation acts?

"2) If such house bills are appropriation acts, for what period of time is the money in said fund available for disbursement?

"Section 23, Article IV of the Constitution of Missouri 1945 provides in part as follows:

'Every appropriation law shall distinctly specify the amount and purpose of the appropriation without reference to any other law to fix the amount or purpose.'

"Section 28, Article IV of the Constitution of Missouri 1945, states:

'No money shall be withdrawn from the state treasury except by warrant drawn in accordance with an appropriation made by law. . . .'

"An appropriation, as defined in State ex rel. McKinley Pub. Co., v. Hackmann, 282 S. W. 1007, l. c. 1010, is as follows:

'. . . An appropriation act does no more than to set apart or designate the amount and the purposes for which the authorized expenditures may be made by the department named. . . .'

"Under the above definition of an appropriation an act of the Legislature, in order to be an appropriation bill, must permit expenditures to be made from the fund set apart or designated.

"Senate Committee Substitute for House Bill No. 15 and House Bill No. 1026 in transferring and setting apart $48,000,000.00 to the Missouri Postwar Reserve Fund do not contemplate the expenditure of such funds under authority of those acts themselves. This is shown by the fact that the General Assembly deemed it necessary to appropriate by separate acts money out of the Postwar Reserve Fund before such moneys could be used. It appears that the intent of the Legislature was merely to transfer money from one fund in the State treasury to another fund. As Senate Committee Substitute for House Bill No. 14 states, the Postwar Reserve fund shall be kept separate and apart from all other moneys 'in the State Treasury,' and further provides that such moneys shall be available only 'after appropriation pursuant to law.'

"It is well settled in Missouri that the Legislature may transfer moneys from one fund in the treasury to another fund. In State ex rel. Davis v. Smith, 75 S. W. (2d) 828, this practice is approved when the court said at l. c. 830:

'. . . We recognize the right of the Legislature to provide by law that the surplus in such fund shall be transferred to the general revenue fund instead of the public school fund, but the act of February 28, 1933 (Laws 1933, p. 415) which purports to transfer to the general revenue fund all sums of money in the state treasury to the credit of the board of barbers' fund, etc., would not have the effect of transferring a surplus remaining in such fund for the years 1931 and 1932, the title to which had by law passed to and vested in the public school fund before the transfer act of February 28, 1933, was passed. This act does not purport to transfer any definite amount of money to the general revenue fund. It simply directs the state treasurer to transfer to the general revenue fund all

sums of money in the state treasury to the credit of the numerous funds named in the act, including the board of barbers' fund.'

"Furthermore, Senate Committee Substitute for House Bill No. 14 specifically provides that the fund shall be created by moneys appropriated by the General Assembly. In Werner v. Martin, 194 N. E. 264, the Supreme Court of Illinois said:

'. . . The General Assembly determined that, instead of setting apart one-third of the motor fuel tax fund for road purposes, that portion should be set apart for schools and placed in the common school fund. We said in Reif v. Barrett, 355 Ill. 104, 188 N. E. 889, 902, that "the creation of separate and distinct funds in the state treasury is regulated by the statute. Except for funds pledged to the retirement of bonds and interest the funds are subject to the legislative will. The funds may be changed, or even abolished, and the funds therein transferred to other accounts or funds." Section 17 of Article 4 of the Constitution provides that no money shall be drawn from the treasury except in pursuance of an appropriation made by law and upon the presentation of a warrant issued by the auditor thereon. No money shall be diverted from any appropriation made for any purpose or taken from any fund either by joint or separate resolution. The transfer in this case was not made by resolution, either joint or separate, but was made by an act of the General Assembly passed by a majority of the members elected to both houses.'

"In the case of State ex rel. Parker v. Youngquist, 11 N. W. (2d) 84, l. c. 86 the Supreme Court of South Dakota had before it the question of whether a statute that transferred 10% of the receipts of various state boards and commissions to the general fund of the state was an appropriation act. The court said:

'. . . An appropriation is legislative sanction for the disbursement of the public revenue. In re Continuing Appropriations, 18 Colo. 192, 32 P. 272. The test of whether an act is an appropriation is whether the money may be paid or drawn from the state treasury on author-

> ity of the act. Humbert v. Dunn, 84 Cal. 57, 24 P. 11; Campbell v. Towner County, 71 N. D. 616, 3 N. W. (2d) 822; People ex rel. Colorado State Hospital v. Armstrong, 104 Colo. 238, 90 P. 2d 522. The act in question authorizes no disbursement of public revenue. No money may be drawn from the state treasury on authority of the act. By its terms it reduces the continuing appropriations of the eighteen separate governmental departments mentioned therein by means of the transfer of a part of their tax receipts to the general fund of the state where those funds are to be mingled with other tax collections and used to meet appropriations payable out of that fund. This law is not an appropriation of public money.'

"One contention that might react contrary to the view that Senate Committee Substitute for House Bill No. 15 and House Bill No. 1026 are not appropriations is that Senate Committee Substitute for House Bill No. 14 provides that the fund shall consist of money 'appropriated' by the General Assembly; and Senate Committee Substitute for House Bill No. 15 and House Bill No. 1026 both provide that, 'There is hereby appropriated out of the State Treasury,' thereby indicating that the General Assembly in using the words 'appropriated' intended that such bills should be appropriation acts.

"However, as our Supreme Court said in State ex rel. Fath v. Henderson, 160 Mo. 190, 'the word "appropriate" is one of significance of which is largely effected by the context in which it is found.'

"The same question was presented to the Supreme Court of Colorado in People ex rel. Colorado State Hospital v. Armstrong, 90 Pacific (2d) 522, wherein it was contended that a bill that created a certain fund and appropriated to such fund a certain sum of money was an appropriation act because the word 'appropriated' was used. The Court said l. c. 527:

> '. . . The argument that the act under consideration is an appropriation measure is largely grounded upon the circumstances that in two places therein the word "appropriate" appears. As demonstrative of legislative intent it may be mentioned that the subtitle of the amended

> section of the income tax law, which constitutes the body of the new legislation, is: "Allocation of Revenue." In the first instance of its use in the act, the legislature couples the word "appropriate" and the words "set aside" as if they were synonymous. That the word "appropriate" is one of its ordinary proper definitions, means "set aside" or "allocate" is clear. Webster's New International Dictionary, Second Edition; 6 C. J. S., Appropriate, p. 121. When the purpose and object of the bill are considered, the use of the word "appropriate", in the sense indicated, cannot be said to import to the act the classification of an appropriation measure, but rather stamps it as one for the allocation of revenue, which we conclude it is.'

"What was said in the case above is especially apropos to the question at hand. It will be noticed that Senate Committee Substitute for House Bill No. 15 and House Bill No. 1026 both provide that the money will be transfered and set apart to the fund. Furthermore, the title to Senate Commitee Substitute for House Bill No. 15 reads as follows:

> 'To appropriate, transfer and set apart money from the general revenue fund, to the Missouri Postwar Reserve Fund, with an emergency clause.'

"We believe that it is obvious that the Legislature in using the word appropriate meant it to be synonymous with the other words in the act, that is, transfer and set apart. In view of the above authorities it would appear that Senate Committee Substitute for House Bill No. 15 and House Bill No. 1026 are not appropriation acts but merely laws providing for the transfer of moneys from one fund to another. As general laws providing for the transfer of moneys from one fund to another they do not come within the prohibition of Section 23, Article IV, of the Constitution of Missouri which provides that, 'the General Assembly shall make appropriations for one or two fiscal years.' The moneys remain in such fund until their status is changed by a subsequent Legislature in passing a law, either transferring or abolishing said fund. As was pointed out in State v. ex rel. Fath v. Henderson, supra.

'. . . Let it be freely admitted that one General Assembly can not tie the hands of its successor, and that although this tax is set apart into a special fund, it still belongs to the State. . . .'

"In view of the holding that the transferring of funds by Senate Committee Substitute for House Bill No. 15 and House Bill No. 1026 are not appropriation acts, a serious question arises as to the constitutionality of the transfer in House Bill No. 1026.

"Section 23, Article III, of the Constitution of Missouri 1945, provides:

'No bill shall contain more than one subject which shall be clearly expressed in its title, except bills enacted under the third exception in section 37 of this article and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated.'

"Section 37, mentioned in the above provision relates to the payment of interest upon state bonds and is not applicable to the question under discussion.

"As stated above, the act appropriating thirty million dollars ($30,000,000.00) to the Postwar Reserve Fund is Section 9.341 of House Bill No. 1026. The title to House Bill No. 1026 is as follows:

'Appropriating money for the support of the State Government for payment of certain contingent and incidental expenses of the State Government, for the period beginning July 1, 1946, and ending June 30, 1947; and to appropriate money for the payment of various forms of relief; for the several departments of the State Government, several boards, bureaus, and commissions and state officers, and persons, firms and corporations for the payment of which the state may be liable, and appropriating funds for other purposes for the period beginning July 1, 1946, and ending June 30, 1947, and prior years.'

"It is well settled in this state that legislation of a general character cannot be included in an appropriation bill. State ex rel. v. Smith, 75 S. W. (2d) 828; State ex rel. Gaines v. Canada, 113 S. W. (2d) 783, 342 Mo. 121. Therefore, when the

Legislature transferred thirty million dollars ($30,000,000.00) from the general revenue to the Postwar Reserve Fund, in an appropriation act it rendered such transfer unconstitutional and void.

"It is, therefore, my conclusion that Senate Committee Substitute for House Bill No. 15 of the 63rd General Assembly, which transfers eighteen million dollars ($18,000,000.00) from the general revenue to the Postwar Reserve Fund, is not an appropriation bill but is a general statute transferring money from one fund in the State Treasury to another. It is further my opinion that Section 9.341, House Bill No. 1026 of the 63rd General Assembly, which transfers thirty million dollars ($30,000,000.00) from the general revenue to the Postwar Reserve Fund, is unconstitutional because it is legislation of a general character included in an appropriation bill, contrary to Section 23, Article III of the Constitution of Missouri 1945."

I concur in the opinion of the Attorney General.

For the reasons above set forth I hereby veto and disallow the $30,000,000.00 mentioned in Section 9.341.

I suggest that if additional funds are to be transferred to the Missouri Postwar Reserve Fund that it be done by an act of the legislature for that specific purpose, as was done by Senate Committee Substitute for House Bill No. 15.

VI.

Section 9.350. There is hereby appropriated out of the State Treasury, chargeable to the General Revenue fund the sum of Fifty Thousand Dollars ($50,000.00) to the Conservation Commission of Missouri for fire protection to the forests of Missouri and the sum of Two Hundred Thousand Dollars ($200,000.00) to create a revolving fund pursuant to the provisions of House Bill No. 1006.

I approve the appropriation of $50,000.00 to the Conservation Commission of Missouri for fire protection to the forests of Missouri. I am vetoing the sum of $200,000.00 to create a revolving fund pursuant to the provisions of House Bill No. 1006, as set forth in lines 6 to 8, inclusive, of Section 9.350. This sum is vetoed for the reason that it violates the provisions of Section 23, Article IV of the Constitution of 1945, which requires:

". . . Every appropriation law shall distinctly specify the amount and purpose of the appropriation without reference to any other law to fix the amount or purpose."

It is not clear that the sum of $200,000.00 is to be appropriated to the Conservation Commission. That part is very indefinite. The provision "to create a revolving fund pursuant to the provisions of House Bill No. 1006" refers to another law to fix the purpose of the appropriation. This is in direct conflict with Section 23, Article IV of the Constitution of Missouri. For this reason said sum of $200,000.00 is vetoed.

On August 21, 1946, I approved said House Bill No. 1026 as to all items and portions of items thereof, except the items and portions of items which are, as in this message above stated, returned without my approval.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

NOVEMBER 9, 1946

From the Journal of the House of Representatives, pp. 4798-4805

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
November 9, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, Senate Substitute for House Committee Substitute for House Bill No. 838, entitled:

"AN ACT

"To repeal Sections 3226 to 3232, both inclusive, Chapter 15, Revised Statutes of Missouri, 1939, relating to interest, and to enact seventeen new sections in lieu thereof, relating to interest and other charges which may

be charged, contracted for and received; providing for an interest code applicable generally and to all lenders and creditors without regard to the type or classification of their business; providing methods of charging and collecting interest and requiring refund of unearned interest collected on certain types of loans; requiring a statement of the loan and its terms and conditions to be given in connection with the making of certain types of loans; regulating the advertising of lenders; requiring return of papers upon payment of certain loans; declaring and providing payment of three hundred dollars or less in money, credit, goods or things in action as consideration for any sale, assignment or order for the payment of wages, salaries, commissions or compensation for services earned or to be earned, to be a loan for the purposes of the provisions of this act; declaring that this act shall not affect contracts entered into prior to the effective date of this act; providing penalties for the violation of any of the provisions of this act and repealing all laws or parts of laws in conflict therewith, to be known as Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18."

In discussing Senate Substitute for House Committee Substitute for House Bill No. 838 it will be referred to as House Bill No. 838.

House Bill No. 838 repeals Sections 3226 to 3232, inclusive, Chapter 15, Revised Statutes of Missouri, 1939, relating to interest and enacts seventeen new sections in lieu thereof relating to interest and other matters.

Under the law as it exists now the maximum rate of interest which may be charged on any loan is eight per cent per annum simple interest (Section 3227, Revised Statutes of Missouri, 1939). This bill reenacts that maximum rate in Section 9. However, the bill classifies four types of loans upon which a greater rate is permitted. These special types of loans are as follows:

1. Section 3 of the bill allows two per cent per month to be charged upon a loan which is secured by a pledge of tangible personal property, actual possession of which is delivered to the lender under an agreement that if the loan is

not paid the unqualified title is to pass to the lender. This is the ordinary type of loan that is made by a pawnbroker.

2. Section 4 of the bill provides that upon loans evidenced by a note payable in one payment and which, in addition to such other security as may be given, other than a mortgage or deed of trust on real estate, is secured by the "pledge or assignment of the written obligation of the lender to pay a sum certain in money to the borrower at a fixed date upon the borrower having paid to the lender the full purchase price of the same." The rate of interest to not exceed ten per cent per annum taken in advance as discount. This type of loan is one that is usually made by loan and investment companies who sell investment certificates to borrowers, which certificates are in turn pledged back to the lender to secure the payment of the note.

3. Section 5 of the bill makes a separate classification of loans in the amount of one thousand dollars or less evidenced by a promissory note which is unsecured or secured by personal property of any kind and the interest is to be paid only as earned and is computed monthly on the unpaid balances. The rates allowed to be charged upon such loans are as follows:

> Two and one-fourth per cent per month on that part of the unpaid principal balance not exceeding one hundred dollars.
>
> Two per cent per month on that part of the unpaid principal balance exceeding one hundred dollars but not exceeding three hundred dollars.
>
> Two-thirds of one per cent per month on that part of the unpaid principal balance exceeding three hundred dollars but not exceeding one thousand dollars.

This type of loan is the same as that made heretofore by the small loan companies.

4. Section 6 of the bill makes a separate classification of installment loans. Interest charged is taken in advance as discount. Said loans may be unsecured or secured by a pledge or assignment of or mortgage or other lien on personal property of any kind. Upon such type of loans six per cent discount per annum on that part of the entire principal amount borrowed not exceeding one thousand dollars and four per

cent discount per annum on that part of the entire principal amount borrowed exceeding one thousand dollars may be charged. These rates may be charged notwithstanding the reduction of the unpaid principal amount by the payment of installments from time to time.

Is House Bill No. 838 in conflict with Section 44, Article III of the Constitution of Missouri, 1945?

Said section is as follows:

> "Section 44. No law shall be valid fixing rates of interest or return for the loan or use of money, or the service or other charges made or imposed in connection therewith, for any particular group or class engaged in lending money. The rates of interest fixed by law shall be applicable generally and to all lenders without regard to the type or classification of their business."

The above section does three things:

a. It renders invalid any law which fixes a rate of interest or rate for any particular group or class engaged in lending money.

b. It renders invalid any law which fixes, that is, permits a rate for the service or other charges which may be charged any particular group or class engaged in lending money.

c. It requires that the rates of interest fixed shall be applicable generally and to all lenders without regard to the type or classification of their business.

By virtue of Section 44, Article III of the Constitution of Missouri, 1945, many laws fixing rates of interest for various classes of lenders, namely, small loan laws, loan and investment laws, etc., became invalid July 1, 1946.

The framers of the Constitution in adopting Section 44, Article III of the Constitution of 1945 were dealing only with the question of interest rates. It evidently was the intention of the framers of the Constitution to limit the power of the legislature in the fixing of interest rates to prohibit the enactment of different rates for different businesses. That intention is well shown in the debates in the Convention on that subject.

The record of the proceedings of the Constitutional Convention, beginning on page 908 shows that Senator Allen McReynolds offered on page 909 of the record an amendment on the question of interest already before the Convention. Senator McReynolds' amendment was to complete what now constitutes said Section 44, Article III as finally adopted. The following is a quotation from page 909:

> "Mr. McReynolds: My amendment will destroy every single classification of any kind and will put everybody loaning money on a common plan. Our whole trouble today is that we set up these special classifications and give them special benefits because of alleged conditions that prevail in the class. Now, my theory is that if you wipe out classifications so that they are on a common level, then you find yourself back to your fixed interest rates that have been in our statutes for sixty or seventy years and these, all of these group rates built around a special classification must disappear under the Constitutional amendment. . . ."

In Volume 11, American Jurisprudence, page 674, et seq., the following is stated with respect to construction of Constitutions:

> " 'The fundamental principle of constitutional construction is to give effect to the intent of the framers of the organic law and of the people adopting it. A constitutional clause must be construed reasonably to carry out the intention of the framers, which gives rise to the corollary that it should not be construed so as to defeat the obvious intent if another construction equally in accordance with the words and sense may be adopted which will enforce and carry out the intent. The intent must be gathered from both the letter and spirit of the document.
>
> " 'It has been very appropriately stated that the polestar in the construction of Constitutions is the intention of the makers and adopters.
>
> " 'Wherever the purpose of the framers of a Constitution is clearly expressed, it will be followed by the courts.

> Even where terms of a constitutional provision are not entirely free from doubt, they must be interpreted as nearly as possible in consonance with the objects and purposes in contemplation at the time of their adoption, because in construing a constitutional provision, its general scope and object should be considered.' "

If, then, such was the intention of the framers of the Constitution in enacting said Section 44 it must be held to prohibit different rates of interest from being "fixed" for different classes and groups such as are contained in the several sections of House Bill No. 838.

Section 2 of the bill is as follows:

> "Section 2. The rates of interest and charges fixed by this act shall be applicable generally, and to all lenders without regard to the type or classification of their business, and shall be the only interest and charges which may be made or imposed, or return which may be received, for the loan or use of money."

Said Section 2 does follow in principle and with much of the wording of Section 44, Article III of the 1945 Constitution. However, Section 3 and other following sections of said House Bill No. 838 contradict the general terms of said Section 2.

Sections 3, 4, 5, and 6 recognize the existence of certain particular groups or classes engaged in lending money. In said sections the words "a loan of the type and classification to which this section applies" is used in all of said sections. Said sections fix different rates of interest to be charged by the different groups and classes referred to in said sections. In fact, said sections actually create particular groups and classes engaged or to become engaged in lending money and fix for each, rates of interest different from the rates permitted to be charged by other classes mentioned in said several sections, and all other classes created by the separate sections of the bill and by the bill as a whole. For instance, Section 3 of the bill does not by a specific name designate and create the particular class or group of lenders known as "pawnbrokers." It does however construct the framework and procedure for lending money that is the basis of the business of pawnbrokers. Pawnbrokers constitute the only group or class

engaged in lending money which take over the possession of the property pledged for the loan. In chattel mortgages and other processes of taking security for the lending of money on personal property, the title remains in the mortgagor until condition broken. Not so with the pawnbroker business. In creating that particular class and type of lenders and fixing a different rate of interest for them to charge and collect, the pawnbroker is given immediate title to and custody of the property pledged for the loan. Said Section 3 is in part as follows:

> "Section 3. A loan of the type and classification to which this section applies is a loan the payment of which is secured by the pledge of tangible personal property, actual possession of which is delivered to and retained without interruption by the lender himself under the written agreement of the parties that if the loan is not paid pursuant to the terms of the loan contract, the unqualified title to the tangible personal property shall be taken and accepted by the lender as and in full payment and satisfaction of the loan, free and clear of any right of redemption in and by the the borrower and without the necessity for any foreclosure of the pledge."

In the last paragraph of said Section 3 the rate of interest fixed by the section may not exceed two per cent per month. This class engaged in lending money may only be composed of pawnbrokers.

The succeeding Section 4 of the bill points out another class and type engaged in or which may become engaged in lending money, and provides that the class created by said Section 4 of said bill may charge as a rate fixed by said section not to exceed ten per cent per annum and such interest shall be taken in advance as discount. This indicates that the business of conducting a pawnbroker business as provided for in said Section 3 fixes a rate of interest for the loan of money for a particular group or class different from the class and group created in said Section 4. The practical effect of said Section 3 of said bill is to exempt pawnbrokers from general rates of interest which said Section 44 of said Article III of the 1945 Constitution requires to be fixed alike generally for all classes and groups engaged in lending money. It has long

been recognized before Section 44 of Article III of the 1945 Constitution was adopted and long before any constitutional question was ever raised to the exemption of some classes from general rates of interest and usury laws, that Section 15394, Revised Statutes of Missouri, 1939, excepted pawnbrokers from the general statutes as to usury, because said Section 15394 permitted pawnbrokers to charge two per cent per month on loans made by them. This may not be done now under the provisions of Section 44, Article III of the 1945 Constitution. All classes and groups engaged in lending money must, under said Section 44, stand upon the same basis in the fixing of rates of interest they may charge by legislative authority to make valid any act relating to interest.

When House Bill No. 838 provides that lenders who make a certain kind of loan, which kind has always been associated with a certain business, and provides special rates of interest for this kind of loan, then said bill is creating a special rate of interest for a type of business.

This creates a special class of money lenders out of pawnbrokers and allows them a different rate of interest from that fixed for others in direct conflict with Section 44, Article III of the 1945 Constitution as well as Section 2 of House Bill No. 838 itself which declares: "That rates of interest and charges fixed by this act shall be applicable generally, and to all lenders without regard to the type or classification of their business." Said Section 3 provides for a different rate of interest than that provided for the classes and types in Sections 4, 5, 6 of House Bill No. 838 and, therefore, is in conflict with said Section 44, Article III of the 1945 Constitution.

Section 4 of House Bill No. 838 deals with a type and class of loans which authorize the group or class of persons engaged in lending money to charge not to exceed ten per cent per annum, which interest shall be taken in advance as discount. The creation of this class under said Section 4, and a different rate of interest being fixed for such class, different from the rate fixed in Section 3 for pawnbrokers and different from the rates fixed in Sections 5 and 6, conflicts directly with Section 44 of Article III of the 1945 Constitution. Moreover, this Section 4 excludes from the class of loans, a loan under a deed of trust or mortgage on real estate and thereby fixes

a rate of interest for one class—loans on personal property—and denies a like rate of interest by excluding them, to real estate loans.

Section 5 of House Bill No. 838 creates and establishes a type and classification of loans which correspond with any small loan business. The author of this section evidently had in mind Section 8162, Revised Statutes of Missouri, 1939, which is the interest section of the small loan law. Some of the same language is used in Section 5 with reference to collecting interest on unpaid balances as is used in Section 8162. Also, said Section 5 has a breakdown of the maximum amount which shall not exceed one thousand dollars and provides for a rate of interest of two and one-fourth per cent per month on the unpaid principal balance not exceeding one hundred dollars, two per cent per month on that part of the unpaid principal balance exceeding one hundred dollars but not exceeding three hundred dollars and two-thirds of one per cent per month on that part of the unpaid principal balance exceeding three hundred dollars but not exceeding one thousand dollars.

This section, in so stating, creates a different class or group engaged in lending money with several rates of interest provided for in the same group or class, all in conflict with the terms of Sections 3 and 4 of said House Bill No. 838 and also in conflict with Section 44, Article III of the 1945 Constitution.

A cursory reading of Sections 3, 4, and 5 discloses that the legislature by these sections have put back in business the same special interest lenders, to wit: The pawnbrokers, loan and investment lenders and small loan lenders who were in existence before the adoption of Section 44, Article III of the 1945 Constitution and in some cases identical conditions and provisions that they had prior to the adoption of said constitutional provision.

It is a mere play of words to say that a certain class of money lenders may not have a special rate of interest but that any person who makes the same loan that was made by that class may have a special rate.

Section 6 of House Bill No. 838 does not fix a maximum for the amount of loan to be made by the type and class of lenders created by said section. It provides that such loan

may be unsecured or secured by mortgage upon personal property. Said Section 6 does require that the interest charged shall be paid in advance as discount with the lender giving the borrower the option to repay the loan at any time. Said Section 6 further provides that on all loans of the type and classification provided in said section "interest may be charged at a rate not to exceed six per centum discount per annum on that part of the entire principal amount borrowed not exceeding one thousand dollars and four per centum discount per annum on that part of the entire principal amount borrowed exceeding one thousand dollars for the entire period for which the loan is made, notwithstanding the reduction of the unpaid principal amount by the payment of installments from time to time." The rates fixed by this section are different from those in Sections 3, 4, and 5 of this bill.

Section 9, like Section 3227, Revised Statutes of Missouri, 1939, does provide for a contract of interest not exceeding eight per cent. However, said Section 9 goes further and says: "but may not agree for the payment of interest in excess of eight per centum per annum except as otherwise provided by this act."

Section 11 shows the infirmities of Sections 3, 4, 5, and 6 and also Section 9 as being in conflict with Section 44, Article III of the 1945 Constitution. Said Section 11 provides that the rate of interest permitted in Section 9 of this act (eight per cent contract interest) shall be observed, "except as provided with respect to loans of the type and classification set forth in Sections 3, 4, 5 and 6 of this act." Said Sections 9 and 11 show a definite conflict between each of those sections, and also Sections 3, 4, 5, and 6 of said bill, and also conflict with Section 44, Article III of the 1945 Constitution, in that all of said sections and said act, as a whole, fixes rates of interest for the loan or use of money for particular groups and classes engaged in lending money.

It is my opinion that House Bill No. 838 is contrary to the letter and spirit of Section 44, Article III of the 1945 Constitution and contrary to the expressed intention of the framers of the 1945 Constitution in enacting said section.

The intention of the framers of the Constitution is expressed in the following debate which appears on page 905 of the debates of the Constitutional Convention:

"Mr. Julian: You think that this amendment here would have the effect of lowering the interest rates in Missouri?

"Mr. McReynolds: It is inevitable.

"Mr. Julian: It would force the General Assembly to lower the interest rate from the thirty and thirty-six per-cent down?

"Mr. McReynolds: Why, it would destroy that classification. It would put them all on a common ground. The only thing that you could possibly change was the six and eight which has prevailed in Missouri for sixty years anyway. In my humble judgment it will never be touched."

The lenders are not put on common ground in House Bill No. 838 when some are permitted to charge two per cent per month, some two and one-fourth per cent per month, some ten per cent per annum which may be taken in advance as discount and some at six per cent discount per annum. That is why the following sentence was placed in Section 44 of Article III: "The rates of interest fixed by law shall be applicable generally and to all lenders without regard to the type or classification of their business."

If it were the intention of the framers of the Constitution to lower the interest rates and destroy classifications, then that should be done but it will not be done by the enactment of House Bill No. 838. If we are going to put all the lenders on common ground then we should open the doors to all alike. That is the intention and spirit of Section 44 of Article III. I think we should be concerned with the welfare of our citizens in general rather than with the question of whether or not a special group can survive if they are not permitted to charge interest at special and excessive rates.

Section 3 of House Bill No. 838 provides that a loan, the payment of which is secured by the pledge of tangible personal property, the actual possession of which is delivered to and retained without interruption by the lender himself under the written agreement of the parties that if the loan is not paid pursuant to the terms of the loan contract, the unqualified title to the tangible personal property shall be taken and accepted by the lender as and in full payment and satisfaction of the loan, free and clear of any right of redemption in

and by the borrower and without the necessity for any foreclosure of the pledge.

In Section 15395, Revised Statutes of Missouri, 1939, there is a period of redemption of sixty days. It may be that this period of sixty days is too long but I certainly think there should be a period of redemption or some days of grace in which a person may have an opportunity to redeem the property which he has pledged with the pawnbroker. I believe this provision is too harsh to write into a law in this particular kind of a loan and for that reason I object to it.

I also object to the excessive rates of interest provided for in Section 5 of this bill. Loans provided for in this section may be secured by a mortgage or lien on personal property. This is additional security for the lender. A loan under this section may be for as much as one thousand dollars. For instance, if the loan was for eight hundred dollars a rate of interest may be charged on this loan of two and one-fourth per cent per month on the unpaid principal of one hundred dollars, two per cent per month on the unpaid principal balance exceeding one hundred dollars and not exceeding three hundred dollars, and two-thirds of one per cent per month on the unpaid principal balance of the loan. The interest to be computed monthly on unpaid balances. No provision is made for installment payments in this section as is provided for in Section 6. We must not lose sight of the fact that during the period of the loan the borrower is always paying two and one-fourth per cent on the one hundred dollars and two per cent on the next two hundred dollars during all the time that he is paying two-thirds of one per cent per month on the balance of the loan. I think this rate of interest is excessive and not justified. The deposits of money in the banks of Missouri are near an all time high. It is generally conceded that money is cheaper and that loans can be obtained at a less rate of interest than ever before. In view of this situation I do not believe there is any justification for the excessive rates of interest provided for in House Bill No. 838.

For the above reasons I cannot approve this bill.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

NOVEMBER 9, 1946

From the Journal of the House of Representatives, pp. 4805-4806

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
November 9, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, Senate Committee Substitute for House Committee Substitute for House Bill No. 839, entitled:

"AN ACT

"Providing that every person, firm, partnership, and corporation, both domestic and foreign, now or hereafter engaged in this state in making loans of money, credit, goods or things in action, and who, or which, charges, contracts for, or receives a greater rate of interest than 8 per centum per annum therefor under any law now or hereafter in effect authorizing such type or classification of loan shall be subject to the supervisory jurisdiction of the Commissioner of Finance, or such agency, or agencies, as may exercise the powers and duties now or hereinafter performed by such Commissioner hereinafter designated as the Commissioner for the purposes of this act, shall register and obtain a Certificate of Registration before engaging in the business of making such loans; providing for the application and registration fee to be paid; providing for bond by the applicant; providing for the issuance of the Certificate, where to be posted; providing for the suspension, revocation, or forfeiture of the Certificate of Registration; requiring the Registrant to obtain a certificate for each place of business; prohibiting the Registrant from assigning such Certificate of Registration; providing for the powers and duties of the Commissioner of Finance or such agency as may exercise the powers and duties now performed by such Commissioner;

authorizing such Commissioner of Finance or such agency as may exercise the powers and duties now performed by such Commissioner to make rules and regulations for the purpose of carrying out the provisions of this act; providing for the enforcement of the laws of the State of Missouri relating to interest, usury, and the assignment or sale of wages, salaries or other compensation; providing that the registrant shall keep books and records in the place of business and make and file reports and be examined; prescribing a definition of terms; authorizing such Commissioner, his deputies and examiners, to investigate or examine the business affairs and loans of any lender to which this act applies; providing that certain charges, supervision and examinations provided for in other statutes shall be in lieu of the fees, examinations and reports required by this act; providing for penalties for the violation of any of the provisions of this act; providing that all laws or parts of laws in conflict with the provisions of this act are hereby repealed with an emergency clause."

Senate Committee Substitute for House Committee Substitute for House Bill No. 839 is a companion bill to Senate Substitute for House Committee Substitute for House Bill No. 838. In view of the fact that I vetoed Senate Substitute for House Committee Substitute for House Bill No. 838, Senate Committee Substitute for House Committee Substitute for House Bill No. 839 is also vetoed.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

FEBRUARY 26, 1947

From the Journal of the Senate, pp. 331-332

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 26, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 23, entitled:

"AN ACT

"To repeal Sections 3, 6 and 14 of an Act of the Sixty-second General Assembly of Missouri, approved July 20, 1943, appearing in the Laws of Missouri of 1943 on pages 585 to 591, both inclusive, relating to all beverages or soft drinks, and to enact in lieu thereof three new sections, relating to the same subject matter, to be known as Sections 3, 6 and 14."

This is a revision bill. The intention of the General Assembly evidently was to bring the sections referred to in this bill up to date, in order to conform to the law pertaining to the new Department of Revenue. As this bill also pertains to other departments, the titles of which have been changed by other bills, we should include in this bill all revisions that are necessary instead of doing it by piecemeal.

In Section 6, of Senate Bill No. 23, lines 2 and 3, reference is made to the "State Board of Health of Missouri." The State Board of Health was abolished and discontinued by Senate Bill No. 349 of the Sixty-third General Assembly. Said Senate Bill No. 349 created a Department of Public Health and Welfare and provided for a Division of Health within this department. As Senate Bill No. 23 is a later enactment and, therefore, in order to avoid confusion the words "State Board of Health of Missouri" should be stricken out and there should be inserted in lieu thereof the "Division of Health of the Department of Public Health and Welfare."

This same correction should be made in Section 14, lines 1 and 5 of said Senate Bill No. 23.

The words "State Board of Health" as used in Sections 6 and 14 of Senate Bill No. 23 would conflict with Section 24 of Senate Bill No. 349 of the Sixty-third General Assembly because Section 24 states "the *division of health* shall have the power and duty to administer all laws, orders and findings pertaining to inspection of beverages . . . ." In other words, Senate Bill No. 23 should conform to the provisions of Senate Bill No. 349 of the Sixty-third General Assembly.

In said Section 6 of Senate Bill No. 23, in line 8, there should be a comma "," after the word "railroad."

In Section 3, page 2, line 17, reference is made to the "Division of Collection." If this bill is re-written it should read "Division of Collection in the Department of Revenue" the same as appears in Section 14, page 3, lines 6 and 7. In other words, Division of Collection in Section 3 could be construed to mean a Division of Collection in the Department of Public Health and Welfare.

In this connection I wish to call attention to the fact that a number of revision bills have been enacted, and which I have approved at this session of the General Assembly, providing that taxes, fees, and moneys due the State shall be paid to the State Collector of Revenue while Senate Bill No. 23 provides that fees shall be paid to the Division of Collection in the Department of Revenue.

Section 9 of Senate Committee Substitute for Senate Bill No. 297 enacted by the Sixty-third General Assembly provides that "The division of collection shall collect all taxes, licenses and fees payable to the state . . . ." Said Section 9 also provides "all money payable to the state, including gifts, escheats, penalties, federal funds and money from every other source payable to the state shall be promptly transmitted to the division of collection . . . ."

I think there should be uniformity in the revision of these bills and it occurs to me that if other bills are going to be introduced for the purpose of correcting statutes pertaining to the Revenue Department that the same designation should be made each time.

Respectfully submitted,

PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 26, 1947

From the Journal of the Senate, p. 333

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 26, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 36, entitled:

"AN ACT

"To repeal Sections 8, 101 and 117 of an Act of the Sixty-second General Assembly of Missouri, approved August 6, 1943, appearing in the Laws of Missouri of 1943 on Pages 410 to 491, both inclusive, relating generally to the organization, powers, duties, liabilities and matters of practice of corporations, and to manufacturing and business companies, and to enact in lieu thereof three new sections, relating to the same subject matter, to be known as Sections 8, 101 and 117."

Senate Bill No. 36, repeals and reenacts certain sections including Section 101 of an Act of the Sixty-second General Assembly of Missouri, approved August 6, 1943, Laws of Missouri, 1943, pages 410 to 491, inclusive. This same Section 101 of the above mentioned act of the Sixty-second General Assembly was repealed and reenacted by House Committee Substitute for House Bill No. 511 of the Sixty-third General Assembly. A number of changes were made in said Section 101 by House Committee Substitute for House Bill No. 511. If Section 101 is to be amended it should be Section 101 of the Act of the Sixty-third General Assembly as this is the latest act. In view of this situation Senate Bill No. 36 should not be enacted into law.

I call attention to the fact that in Section 8, page 2, line 19, and also Section 101, page 3, lines 33 and 34, and Section 117, page 4, line 5, reference is made to the payment of fees

to the Director of Revenue. In my veto message of Senate Bill No. 23 of the Sixty-fourth General Assembly I suggested that there should be uniformity in referring to the Department of Revenue. In Senate Bill No. 36 payment is to be made to the Director of Revenue, in other bills to the State Collector of Revenue and in others to the Division of Collection. If an officer is to be designated to collect the fees I think it should be the State Collector of Revenue and not the Director of Revenue, otherwise it should be the Division of Collection of the Department of Revenue. This would more nearly conform to the provisions of Senate Committee Substitute for Senate Bill No. 297.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 26, 1947

From the Journal of the Senate, p. 334

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 26, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 39, entitled:

"AN ACT

"To repeal Section 5135, Article 2, Chapter 33 of the Revised Statutes of Missouri of 1939, relating to the articles of association of railroad corporations and to enact in lieu thereof a new section relating to the same subject matter to be known as Section 5135."

There is an omission in Section 5135, page 2, line 20, that requires the veto of this bill. In said line the words "fifty dollars," after the word "Revenue" and before the word "for," are omitted. The words "fifty dollars" are in Section 5135, Revised Statutes of Missouri, 1939. The proviso in this bill is unworkable and meaningless unless the words fifty dollars or some other amount is inserted in line 20 after the word "Revenue" and before the word "for."

The original bill omitted these words and it was not corrected in its passage through the two Houses.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

FEBRUARY 26, 1947

From the Journal of the Senate, pp. 347-348

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 26, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 24, entitled:

"AN ACT

"To repeal Sections 14917 and 14931 of the Revised Statutes of Missouri of 1939, relating to public auctioneers; and to enact in lieu thereof two new sections relating to the same subject to be known as Sections 14917 and 14931."

This is a revision bill and attempts to amend Sections 14917 and 14931, Revised Statutes of Missouri, 1939, to make them conform to the law pertaining to the Department of Revenue.

In Section 14917, lines 6 and 7, the words "state collector of revenue" are inserted in lieu of the words "state auditor" which now appear in said section of the 1939 Statutes. In Section 14931, lines 3 and 4, the words "state collector of revenue" are inserted in lieu of the words "state auditor" and "auditor" which appear in Section 14931 of the 1939 Statutes.

It is my opinion that the word "comptroller" should be used instead of the words "state collector of revenue" for the reason that Section 38 of Senate Committee Substitute for Senate Bill No. 297 of the Sixty-third General Assembly provides "The comptroller shall keep an account of all debits and credits between the state and the United States, or any officer or person or persons, partnerships, associations or corporations with whom the state may have dealings . . . ." Said Section 14917 of Senate Bill No. 24 is definitely a bookkeeping or record section and not a collection section, and the comptroller should keep this record instead of the State Collector of Revenue.

In fact, instead of trying to amend that part of Sections 14917 and 14931 pertaining to the certification and charging to collector with the amount rendered, said part of said sections should be repealed outright. Inquiry at the State Auditor's office reveals the fact that no money ever has been paid to the State of Missouri by reason of the provisions contained in Chapter 116, Revised Statutes of Missouri, 1939, pertaining to public auctioneers. No doubt one of the reasons for this is because Section 14927, Revised Statutes of Missouri, 1939, declares what sales of property at auction shall be free of duty, which section includes practically every kind of real and personal property that is sold at public auction.

Attention should also be called to the fact that the license referred to in this chapter is a county license and not a State license and the only part that the State is to receive is the duty provided for in Section 14924, Revised Statutes of Missouri, 1939, and as above stated, this duty does not apply to sales of property at auction which are free of duty.

I think Senate Bill No. 24 would have no effect other than to clutter up the statutes with another bill that is inoperative. It is my opinion that instead of trying to revise Sections 14917 and 14931, Revised Statutes of Missouri, 1939, that the entire

Chapter 116, relating to public auctioneers, should be revised and brought up to date.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MARCH 17, 1947

From the Journal of the Senate, pp. 407-408

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 17, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 56, entitled:

"AN ACT

"To repeal Section 9098, Article 5, Chapter 48 of the Revised Statutes of Missouri of 1939, relating to the earning fund and revolving fund of the Missouri State Penitentiary, and to enact in lieu thereof one new section, relating to the same subject matter, to be known as Section 9098."

This is a revision bill. The intention of the General Assembly evidently was to revise Section 9098 to make it comply with the provisions of the new Revenue Department.

However, since the section is to be revised it should be brought up to date in every particular and not just a part of the section. For instance, on page 2 of Section 9098, lines 6, 12, 22, 25, and 26, the words "said board," "prison board" or "the board" are referred to. This has reference to the old Board of Penal Commissioners which was known as the Commissioners of the Department of Penal Institutions. This

board or commission was abolished and discontinued by Senate Committee Substitute for Senate Bill No. 347 of the Sixty-third General Assembly and all of the duties and powers of said board were vested in the Department of Corrections, to be administered by the Director of the Department of Corrections.

If Senate Bill No. 56 had not been introduced and if no change had been made in Section 9098, then the reference to the board in Section 9098 would be governed by the provisions of Section 1 of Senate Committee Substitute for Senate Bill No. 347 and would be so construed. However, if Senate Bill No. 56 were enacted, the use of the word "board" would be erroneous and confusing because it is a later act and is recognizing a board that has been abolished.

Since this is a revision bill, I think we should revise the entire section and not just a part of it.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 17, 1947

From the Journal of the Senate, pp. 408-409

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 17, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 57, entitled:

"AN ACT

"To repeal Sections 621, 622, 623, 624, 632, 634, 640 and 641 of Article I, Chapter 3 of the Revised Statutes of Missouri, 1939, relating to escheats, and to enact in lieu thereof eight new sections to be known as Sections 621, 622, 623, 624, 632, 634, 640 and 641."

Sections 632, 634 and 641, Revised Statutes of Missouri, 1939, are included in Senate Bill No. 57.

This bill passed the Senate, according to the journal, on January 28, 1947. On the day before, January 27, 1947, the Senate passed Senate Bill No. 17, which repealed and reenacted these same Sections 632, 634, and 641.

The wording of Section 632 of Senate Bill No. 17 is practically the same as the wording of Section 632 of Senate Bill No. 57, except that in Senate Bill No. 17, commencing in line 4 of said section, it states: "The comptroller shall, when such certificate of the clerk is filed in his office, certify the claim to the state auditor, who shall issue a warrant therefor on the state treasurer . . . ," while Section 632 of Senate Bill No. 57 states: "The state comptroller shall, when such certificate of the clerk is filed in his office, approve for issuance a warrant therefor on the state treasurer . . . ."

In other words, in Senate Bill No. 17, the claim is certified to the State Auditor, while in Senate Bill No. 57 no reference is made to the State Auditor.

In Section 634 of Senate Bill No. 57, in line 4, the record and process referred to shall be deposited in the office of the State Comptroller, while in Section 634 of Senate Bill No. 17 the record and process shall be deposited in the office of the Director of Revenue.

In Section 641 of Senate Bill No. 57, it states that the Comptroller shall keep just and accurate account of all money paid to the State Collector of Revenue, while Section 641 of Senate Bill No. 17 states that the Comptroller shall keep just and accurate account of all money paid into the State Treasury.

If Senate Bill No. 57 were approved we would have a situation where three sections of the statutes, to wit: Sections 632, 634, and 641, were repealed and reenacted at the same session of the General Assembly and in fact within one day of each other in the Senate, the provisions of each being different which, in my opinion, would cause endless confusion. No reference is made in Senate Bill No. 57 to the same sections in Senate Bill No. 17.

If the other sections in Senate Bill No. 57 are to be revised, I think the safer plan would be to include them in a new bill and if Sections 632, 634, and 641 are to be changed

in any way from their present wording in Senate Bill No. 17 they, also, can be included in a new bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 17, 1947

From the Journal of the Senate, pp. 409-410

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 17, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 59, entitled:

"AN ACT

"To repeal Sections 9954 and 9955 of the Revised Statutes of Missouri of 1939, relating to inspection of hotels, inns, boarding houses, tourist camps and resorts and to enact in lieu thereof two new sections relating to the same subject matter to be known as Sections 9954 and 9955."

In Sections 9955, lines 1, 13, 14, and 21, reference is made to the State Board of Health and the Secretary of the State Board of Health.

The State Board of Health was abolished and discontinued by Senate Bill No. 349 of the Sixty-third General Assembly and all the powers and duties of the State Board of Health were vested in and to be administered through the Department of Public Health and Welfare. There is no Secretary of the State Board of Health but there is a Director of the Division of Health.

If no change were made in Section 9955, the terms "State Board of Health" and "Secretary of the State Board of Health" would be governed by Section 23 of Senate Bill No. 349 of the Sixty-third General Assembly which provides:

"Section 23. All powers and duties heretofore exercised by the state board of health pertaining to inspection of hotels, inns and boarding houses, shall be exercised by the division of health and may be delegated by the director of the division of health to a deputy who may be the deputy of food and drug administration and who, under the director, shall be chiefly responsible for the administration of laws, orders and findings relating to the inspection of hotels, inns and boarding houses."

However, as Senate Bill No. 59 is a revision bill and is intended to bring the section up to date, we should use correct titles and where the words "State Board of Health" are referred to they should be the "Division of Health in the Department of Public Health and Welfare."

For these reasons this bill is vetoed.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 17, 1947

From the Journal of the Senate, pp. 410-411

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 17, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 62, entitled:

"AN ACT

"To repeal Sections 9908 and 9914 of Article 4, Chapter 58 of the Revised Statutes of Missouri of 1939, relating to egg license fees, and to enact in lieu thereof two new sections, relating to the same subject matter, to be known as Sections 9908 and 9914."

This is a revision bill. The intention of the General Assembly evidently was to bring the sections referred to in this bill up to date in order to conform to the law pertaining to the new Department of Revenue.

However, in order to correctly revise the bill and bring it up to date the reference to the State Food and Drug Commissioner on page 2, Section 9908, lines 7 and 8, and also in Section 9914, lines 7, 8, 9, 15, 20, and 21 should be stricken out and the proper reference to the Department of Public Health and Welfare inserted in lieu thereof.

In other words, the office of Food and Drug Commissioner was abolished in 1933 and the duties transferred to the State Board of Health. The State Board of Health was abolished and discontinued by Senate Bill No. 349 of the 63rd General Assembly and all the powers and duties of the State Board of Health were vested in and to be administered through the Department of Public Health and Welfare. Section 23 of Senate Bill No. 349 provides in substance that all powers and duties heretofore exercised by the State Board of Health pertaining to the inspection of hotels, inns, and boarding houses shall be exercised by the Division of Health and may be delegated by the director to a deputy who may be the deputy of food and drug administration, etc. In other words, if we are going to revise these sections as to one department, to-wit, the Revenue Department, we should also revise them as to all other departments which are affected. This will avoid confusion in trying to interpret and construe the latest acts of the General Assembly.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MARCH 17, 1947

From the Journal of the Senate, pp. 420-421

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 17, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 1, entitled:

"AN ACT

"To provide for the appointment of six supreme court commissioners, declaring them to be judicial officers, prescribing their qualifications, the manner of their appointment, and their duties, and fixing their tenure, retirement and compensation, with an emergency clause."

In lines 11 to 22, inclusive, Section 1, page 1, there is the following provision:

"Such commissioners are hereby declared to be judges and judicial officers within the meaning of and subject to the provisions of Article V of the Constitution of Missouri and all laws enacted pursuant thereto and shall receive the same salary and compensation, payable in the same manner, as is now or hereafter provided by law to be paid to and received by the judges of the Supreme Court. If any commissioner die, resign, be removed, or be retired under the Constitution and laws relating thereto, the vacancy so created shall be filled by appointment by said court in the manner herein provided for the appointment of original commissioners; . . ."

A part of this section is new matter and has not been contained in any other bill pertaining to the appointment of commissioners of the Supreme Court.

Said Section 1 of Senate Bill No. 1 provides that the Supreme Court commissioners are to be *judges* within the

meaning of and subject to the provisions of Article V of the Constitution of Missouri. In other words, these commissioners are to be on the same level as the regular judges of the Supreme Court. Section 2 of Article V of the 1945 Constitution limits the number of judges on the Supreme Court to seven. This section reads in part, "It (the court) shall be composed of seven judges . . . ." If the six Supreme Court commissioners were declared to be judges, the number of judges on the court would then be raised to thirteen in direct violation of the limitation imposed by the Constitution. The very word "judge" contemplates a person elected by the people or selected under the non-partisan court plan rather than the person who is appointed by a court to assist that court in its judicial duties.

It is also provided in Section 1 of Senate Bill No. 1 that other commissioners may be appointed "if any commissioner die, resign, be removed, or be retired under the Constitution and laws relating thereto." That clause indicates that the commissioners are to be retired under the Constitution and, therefore, is entirely inconsistent with Section 27 of Article V of the 1945 Constitution. Said Section 27 is as follows:

> "Section 27. Any judge of a court of record or magistrate who is unable to discharge the duties of his office with efficiency by reason of continued sickness or physical or mental infirmity shall be retired from the office by order of a committee composed of three judges of the supreme court, one judge of each of the courts of appeals, and three circuit judges, elected by the judges of the respective courts, after notice and a fair hearing and on a finding of two-thirds of the committee that the disability is permanent. The judge so retired shall receive one-half his regular compensation until the end of his term of office. The supreme court shall prescribe rules of procedure under this section."

The corresponding section in the 1875 Constitution provided for the outright removal of the judges because of their inability and required a two-thirds vote of each House of the General Assembly and the approval of the Governor for such removal.

The debates of the Constitutional Convention which framed the 1945 Constitution show that the general belief of

the delegates of that Convention was that the old method of removal was too cumbersome and should be changed.

These debates also disclose that the primary purpose of this provision was to provide a means of removing *judges* from the bench because of their inability to perform their judicial duties. There was no discussion in the debates to the effect that this section was to provide a retirement plan for the judges except, of course, as an incident of their removal.

The commissioners are appointed by the Supreme Court and can be removed by the Supreme Court of its own motion. The commissioners were not included in Section 27, Article V of the Constitution. I think there is no question but what Section 27 of Article V of the 1945 Constitution did not contemplate the inclusion of Supreme Court commissioners under its provisions. The attempt in Section 1 of Senate Bill No. 1 to provide that Supreme Court commissioners may be retired under the provisions of Article V of the Constitution is inconsistent with the provisions of said Section 27 of Article V. It is my opinion that Senate Bill No. 1 conflicts with Sections 2 and 27 of Article V of the Constitution and is unconstitutional.

I also call attention to the fact that Senate Bill No. 2, of the Sixty-fourth General Assembly, providing for the appointment of commissioners for the St. Louis Court of Appeals, does not have a retirement provision. I have this day approved Senate Bill No. 2. If the above provision in Senate Bill No. 1 were constitutional then it should have been included in Senate Bill No. 2, and also the bill providing for the appointment of the commissioners of the Kansas City Court of Appeals, so that the commissioners of all the appellate courts would be on an equal basis.

For the above reasons I have vetoed this bill.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MARCH 18, 1947

From the Journal of the Senate, pp. 422-423

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 18, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 48, entitled:

"AN ACT

"To repeal Section 14303-d of an Act of the Sixty-first General Assembly of Missouri, approved June 28, 1941, providing for an apple merchandising fund, appearing in Laws of Missouri of 1941 on pages 305 to 310, both inclusive, and to enact in lieu thereof a new section, relating to the same subject matter, to be known as Section 14303-d."

This is a revision bill. However, it only partially revises Section 14303-d. Commencing in line 14 on page 2, the bill refers to the disposition of the unexpended balance in the Apple Merchandising Fund at the end of the biennium. In lines 17 and 18, it is stated that this balance shall be exempt from the provisions of Section 13051, Article 1, Chapter 87, Revised Statutes of Missouri (1939). However, Section 13051, Article 1, Chapter 87 of the Revised Statutes of Missouri, 1939, was repealed by Senate Bill No. 448 of the Sixty-third General Assembly.

An entirely new bill was enacted relating to the office of State Treasurer and the treasury department, said bill being Senate Bill No. 237 of the Sixty-third General Assembly.

This bill (Senate Bill No. 237) does not carry any of the old section numbers of Article 1, Chapter 87, Revised Statutes of Missouri, 1939, but those who are interested in the subject matter of Section 13051, which was repealed by Senate Bill

No. 448, may find its provisions in Section 17 of Senate Bill No. 237 of the Sixty-third General Assembly.

In view of the fact that Senate Bill No. 48, in lines 14 to 20, inclusive, provides for the exemption of the unexpended balance in the Apple Merchandising Fund at the end of the biennium from the provisions of Section 13051, and in view of the fact that said Section 13051 has been repealed and no reference whatever made to the provisions of Section 17 of Senate Bill No. 237, and the fact that I am of the opinion that the General Assembly did not intend to repeal this exemption provision in Senate Bill No. 48 but simply overlooked the fact that Section 13051 had been repealed, I think this bill should be vetoed so that it can be correctly written.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MARCH 18, 1947

From the Journal of the Senate, pp. 423-424

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 18, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 49, entitled:

"AN ACT

"To repeal Section 7895 of Article 1, Chapter 39, Revised Statutes of Missouri of 1939, relating to the examination of banks and trust companies, and to enact in lieu thereof a new section, relating to the same subject matter, to be known as Section 7895."

The words "of the state auditor" which appear in Section 7895, Revised Statutes of Missouri, 1939, are omitted in Senate Bill No. 49, page 4, line 101. Said Section 7895 of the 1939 Statutes reads: "by warrant of the state auditor upon the state treasurer." Senate Bill No. 49 in lines 100, 101, and 102, reads: "shall be made upon the certificate of the commissioner, by warrant upon the state treasurer."

I think the omission of the words "of the state auditor" vitally affects this bill. In fact Section 43a of Senate Committee Substitute for Senate Bill No. 297 of the Sixty-third General Assembly provides a procedure for the allowance and payment of claims against the State. Said Section 43a, among other things, provides: "the comptroller shall fill in on a form of warrant the amount due and other necessary information. The form of the warrant thus filled in by the comptroller shall be transmitted with the comptroller's certification to the state auditor. Upon being signed by the auditor, it shall become the warrant of the auditor." A form of warrant upon the State Treasurer is set out in the statute.

The procedure set forth in lines 100, 101, and 102 of Senate Bill No. 49, wherein claims for salary and expenses shall be made upon the certification of the commissioner, *by warrant upon the State Treasurer* conflicts with the procedure set forth in Section 43a of Senate Committee Substitute for Senate Bill No. 297 and would be a different procedure than is now followed under Section 7895 of the 1939 Statutes and would be in conflict with Section 43a as above mentioned.

For the above reasons this bill is vetoed.

In view of the fact that this bill is not approved, I call attention to lines 94 to 97, inclusive, wherein reference is made to sums collected from banks, etc., shall be paid "to the state collector of revenue who shall deposit the same into the state treasury to be credited to the division of finance of the department of business and administration." This is contrary to the provisions of Section 7895 for the reason that such sums are to be credited to the *State Finance Department Fund*, which fund is now set up in the Treasurer's office. Senate Bill No. 49, lines 96 and 97, in providing that such sums shall be credited to the Division of Finance of the Department of Business and Administration would, no doubt, be construed to mean a different fund and the General Assembly in enacting

appropriation bills would have to appropriate from both the State Finance Department Fund and from the sums credited to the Division of Finance of the Department of Business and Administration.

I am not vetoing this bill on account of the above provision as this is a matter of legislation and if the General Assembly wants to make such a provision it has a right to do so, but I call it to your attention because from a practical standpoint I believe it will cause confusion.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 28, 1947

From the Journal of the House of Representatives, pp. 645-646

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 28, 1947.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return to you House Bill No. 169, entitled:

"AN ACT

"To appropriate money for the support of the state government and the payment of salaries, wages and per diem of the officers and employees and for other expenses of certain departments, bureaus, boards and commissions of the state government, for the period beginning January 8, 1947 and ending June 30, 1947; these amounts being in addition to the amounts appropriated for a like period for the same purposes in House Bill 988, an act of the 63rd General Assembly, approved July 17, 1946, House Bill 989, an act of the 63rd General Assembly, approved August 1, 1946, and House Bill 990, an act of the 63rd General Assembly, approved July 18, 1946."

and appended to said bill, at the time of signing it, the following statement of the item to which I object, which item is returned without my approval, for the reasons herein stated, which said reasons accompany said bill and are my objections to said item.

Section 8 of House Bill No. 169, provides for an appropriation chargeable to the General Revenue Fund of $4,000.00 for bounties for the destruction of wolves, coyotes, and wildcats.

There is no recommendation in the Executive Budget for an emergency appropriation for this purpose. Section 25, Article IV of the 1945 Constitution provides:

> "Section 25. Until it acts on all the appropriations recommended in the budget, neither house of the general assembly shall pass any appropriation other than emergency appropriations recommended by the governor."

In view of the limitation contained in the above constitutional provision on the power of appropriation by the General Assembly and the fact that no emergency appropriation was recommended by the Governor for said purpose, said sum of $4,000.00 is not approved.

The amounts in Sections 1 to 7, inclusive, of House Bill No. 169 are approved.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

APRIL 4, 1947

From the Journal of the Senate, pp. 502-503

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 4, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 113, entitled:

"AN ACT

"To repeal Sections 10112 and 10120, Chapter 66, Revised Statutes of Missouri, 1939, relating to the State Board of Optometry, and to enact in lieu thereof two new sections relating to the same subject to be known as Sections 10112 and 10120."

Senate Bill No. 113 repeals and reenacts Sections 10112 and 10120, Chapter 66, Revised Statutes of Missouri, 1939. However, Section 10120 was repealed and reenacted by an act of the 62nd General Assembly, which act is found in Laws of Missouri, 1943, pages 973 to 976, inclusive.

Section 10120 of Senate Bill No. 113, lines 10 to 16, inclusive, provides that "a registered optometrist or a registered apprentice whose certificate of registration has expired may have his certificate of registration restored only upon payment of the required restoration fee. Any registered optometrist who retires from the practice of optometry for not more than five (5) years may renew his certificate of registration upon payment of all lapsed renewal fees."

This Section 10120, Revised Statutes of Missouri, 1939, was repealed and reenacted by an act of the 62nd General Assembly, Laws of Missouri, 1943, page 974. The 1943 act sought to raise the standards required of registered optometrists who were seeking renewal of their certificates of registration by providing that a registered optometrist who permitted his certificate to expire could renew the same within

five years of the date of expiration upon the payment of the required restoration fee *and in addition* presenting satisfactory evidence to the State Board of Optometry of his attendance during said five years at educational optometric programs or their equivalent and provided that said educational programs or their equivalent were approved by the State Board of Optometry.

The intention of Senate Bill No. 113 evidently was to make Section 10112 and Section 10120 comply with the new revenue law. In other words, it was a revision bill. The proposed changes in said two sections of the bill are in heavy type which, under the custom which has been followed in regard to revision bills, meant there were no other changes in the present law except the changes set out in heavy type. No reference is made to the fact that a part of the 1943 act is omitted. The present law is not what is contained in Section 10120 of Senate Bill No. 113 but the present law is set forth in Section 10120 of the Laws of Missouri, 1943, at page 974. The subject matter in Section 10120 of Senate Bill No. 113 is different from the subject matter contained in the 1943 act.

If the provisions of Senate Bill No. 113 are to be the last enactment on this subject matter, then I think the legislature should have an opportunity to say whether or not the provisions of the 1943 act, above mentioned, in regard to registered optometrists presenting satisfactory evidence to the State Board of Optometry of attendance during said five year period at educational optometric programs or their equivalent, should be included in said section.

For the above reasons I cannot approve Senate Bill No. 113.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MAY 16, 1947

From the Journal of the Senate, pp. 966-968

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 16, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 135, entitled:

"AN ACT

"To provide for the revision, digest and promulgation of the statute laws of this state in the year 1949, and to provide for revision, digest and promulgation of such laws in future years with an emergency clause."

Section 34, Article III of the 1945 Constitution provides: "In the year 1949 and at least every ten years thereafter all general statute laws shall be revised, digested and promulgated as provided by law. . . ."

This provision of the Constitution states "in the year 1949." It does not state in the year 1947 or in the year 1948.

It also states that "all general statute laws shall be revised, digested and promulgated as provided by law."

What does revised mean? In the case of Fidelity and Columbia Trust Company vs. Meek (Ky.) 171 S. W. 2d 41, l. c. 44, the Court said:

> "A revision contemplates a redrafting and simplification of the entire body of statute law. It involves the elimination of duplications, contradictions, obsolete and obsolescent provisions, redundant, tautological, prolix and verbose provisions. A revision is a complete restatement of the law. It requires enactment by the legislature in order to be effective and upon enactment it becomes the law itself, replacing all former statutes." (Underscoring mine)

See also 59 C. J. 888.

The statutes cannot be revised except by the legislature itself.

The word "digest" means to arrange, classify, codify. That is not a legislative matter and can be carried on by a committee or other authorized agency outside the legislature.

The word "promulgate" means to publish, a matter of publication. The publication can be done under legislative direction, such as by an independent committee constituted and authorized by the General Assembly.

After the Statutes have been "revised" by the General Assembly in 1949 they then can be digested and promulgated.

Various sections of Senate Bill No. 135 provide for the Committee on Legislative Research to collate, compile, arrange, classify and codify for publication the laws and statutes of this State, including the laws passed by the Sixty-fifth General Assembly. It is my opinion that that part of Senate Bill No. 135 regarding such collating, compilation, arrangement, classification and codification for publication is premature at this time and is an attempt on the part of the Sixty-fourth General Assembly to enact a law which would be binding on the Sixty-fifth General Assembly, and specifies what action is to be taken and by whom such action is to be taken in the year 1949.

In the case of State ex rel. vs. Smith, 125 S. W. 2d 883, l. c. 885, the Missouri Supreme Court stated: "It is elementary that no general assembly can, by mere enactment, cut down the legislative power of any of its successors."

Under the provisions of Section 34, Article III of the 1945 Constitution of Missouri, providing that "in the year 1949 and at least every ten years thereafter all general statute laws shall be revised, digested and promulgated as provided by law," it is my opinion that it is the duty of the Sixty-fifth General Assembly of Missouri, rather than the Sixty-fourth General Assembly, to enact whatever legislation is necessary and proper to carry out such mandate of the Constitution with regard to the collation, compilation, arrangement, classification and codification for publication of the Revised Statutes of 1949.

Section 12 of Senate Bill No. 135 provides:

"The Committee shall appoint and fix the compensation of a Reviser of Statutes and such other attorneys and employees as it finds necessary to carry out the provisions of this act, and such compensation and other expenses incurred in connection therewith shall be paid from appropriations made for the Committee on Legislative Research."

I think this provision with reference to the appointment and compensation of a Reviser of Statutes and the employment of attorneys and employees prior to the 1949 session of the General Assembly is an unauthorized expense and in conflict with the intent and purpose of Section 34, Article III of the 1945 Constitution.

It is also my opinion that the duties set forth for the Reviser of Statutes duplicate and overlap the duties of the Legislative Research Committee and much confusion would result therefrom.

I think that certain preliminary work should be done prior to the 1949 session of the General Assembly so that in 1949 the Sixty-fifth General Assembly will be prepared to revise, digest, and promulgate the 1949 Statutes. Section 1 of Senate Bill No. 135 has some good provisions. It authorizes the Committee on Legislative Research to prepare and have ready for submission to the Sixty-fifth General Assembly proposed legislative enactments which will eliminate from the 1949 edition of the Revised Statutes, all duplicate, obsolete, conflicting, unconstitutional, and ambiguous statutes.

I think this is a very necessary work and that the General Assembly should request the Committee on Legislative Research to prepare such legislative enactments. I think this can be done by the General Assembly by resolution and that it is not necessary to enact a bill in order to have it done. I refer you to Laws of Missouri, 1943, pages 633 to 638, inclusive, pertaining to the authority and jurisdiction of the Committee on Legislative Research.

I realize that the argument probably will be made as set forth in the emergency clause (Section 19) that the work in connection with the 1949 revision must be begun at the earliest possible date. I agree that all work that can legally be done should be done at the earliest possible date. However, I do

not believe the Sixty-fourth General Assembly has any authority to authorize the 1949 revision of the statutes in the year 1947, especially in view of the provision in Section 34 of Article III of the 1945 Constitution. I think the Sixty-fourth General Assembly does have authority to authorize preliminary work as above indicated for the purpose of expediting the revision work of the 1949 General Assembly, and I am in favor of approving the necessary expense in connection with such preliminary work.

With reference to the emergency clause (Section 19) I do not believe there is any justification for an emergency clause on this bill and I do not believe that the emergency clause can be construed as stating facts sufficient to bring this bill within the purview of an emergency act under the Constitution of this State.

There are other provisions in this bill with which I am not fully in accord, but in view of the above explanation there is no point in discussing them at this time.

For the above reasons I have vetoed this bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MAY 29, 1947

From the Journal of the Senate, pp. 1231-1240

May 29, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Committee Substitute for Senate Bill No. 9, entitled:

"AN ACT

"To repeal Sections 3226 to 3232, both inclusive, Chapter 15, Revised Statutes of Missouri, 1939, relating

to interest, and to enact twelve new sections in lieu thereof, relating to interest and other charges which may be charged, contracted for and received; providing for interest rates and other charges applicable generally and to all parties and to all lenders and creditors without regard to the type or classification of their business; providing methods of charging and collecting interest and requiring refund of unearned interest collected on certain loans; requiring a statement of the loan and its terms and conditions to be given in connection with the making of certain loans; regulating the advertising of loans; requiring return of papers upon repayment of certain loans; regulating forfeiture of title to tangibles pledged as security; declaring and providing that payment of four hundred dollars or less in money, credit, goods or things in action as consideration for any sale, assignment or order for the payment of wages, salaries, commissions or compensation for services earned or to be earned, to be a loan for the purposes of this act or any other act regulating loans or punishing usury; declaring that this act shall not affect contracts entered into prior to the effective date of this act; and providing penalties for the violation of any of the provisions of this act, to be known as Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, declaring the separability of the sections and provisions hereof, with an emergency clause."

In discussing Senate Committee Substitute for Senate Bill No. 9 it will be referred to as Senate Bill No. 9.

Senate Bill No. 9 repeals Sections 3226 to 3232 inclusive, Chapter 15, Revised Statutes of Missouri 1939, relating to interest and enacts fifteen sections in lieu thereof relating to interest and other matters.

Section 5 of Senate Bill No. 9 replaces Section 3227, Revised Statutes of Missouri, 1939, which is the old interest statute allowing interest at not exceeding eight per cent per annum by contract in this State and which has been the law of this State since 1891.

Section 5 of Senate Bill No. 9 provides that parties may agree in writing for the payment of interest on money due or to become due on any contract as follows: (a) on written

contracts which are payable in substantially equal installments at substantially equal periodic intervals over a period not in excess of thirty-six months, interest may be charged, contracted for, and received at any rate not to exceed the equivalent of ten per cent per annum on that part of the entire principal amount borrowed not exceeding $300.00, and six per centum per annum on that part of the entire principal amount borrowed exceeding $300.00 but not exceeding $1500.00, and four per centum on that part of the entire principal amount borrowed exceeding $1500.00, computed on the original principal amount of the contract for the entire period for which the loan is made, plus additional charges and fees; (b) on all written contracts that are not made under paragraph (a) of this section, a rate of not in excess of eight per centum per annum may be charged.

Section 5 (c) provides what the loan contract shall contain, and further provides that when the payment of a loan contract is secured by a pledge of tangible personal property, actual possession of which is delivered to and retained without interruption by the pledgee under the written agreement of the parties that if the loan is not paid pursuant to the terms of the loan contract or of any extension thereof, the unqualified title to the tangible personal property shall be taken and accepted by the pledgee in full payment of the loan without the necessity of any foreclosure of the pledge.

The validity of Section 5 of Senate Bill No. 9 necessarily involves a construction of Section 44 of Article III of the 1945 Constitution of Missouri. Said section reads as follows:

> "No law shall be valid fixing rates of interest or return for the loan or use of money, or the service or other charges made or imposed in connection therewith, for any particular group or class engaged in lending money. The rates of interest fixed by law shall be applicable generally and to all lenders without regard to the type or classification of their business."

A reading of Senate Bill No. 9 discloses that the General Assembly has allowed a special rate of interest to be charged by lenders making loans of $300.00 or less, which loans are paid back in periodic equal installments and have extended this special interest rate to those who take a pledge of prop-

erty, title to which is vested upon the nonpayment of the loan. This in effect applies to the type of loans and business carried on by small loan companies and pawnbrokers.

The business of making small loans in the amount of $300.00 or less to be paid back in equal installments has been recognized as a business and one separate and distinct from other types of loan business such as banks, trust companies, loan and investment companies, credit unions, and pawnbrokers. Article 7, Chapter 39 of the Revised Statutes of Missouri, 1939, which is known as the Small Loan Law of Missouri, recognized persons making such loans as being engaged in the small loan business. The uniform Small Loan Law has described persons and corporations making loans of the size and type in question as being engaged in a small loan business. (Gallert, Small Loan Legislation, page 89.)

In 40 American Jurisprudence, page 700, it is said:

> "The business of small money lenders is as distinct in many respects from other classes of business as is that of a pawnbroker."

Therefore, it appears that the Legislature is attempting to do indirectly what it cannot do directly.

Section 44, Article III of the 1945 Constitution specifically forbids the classification of lenders and the General Assembly has sought by classifying loans rather than lenders to avoid the prohibition of the Constitution.

I call attention to the fact that when the Constitutional Convention was considering Section 44, Article III, two amendments were introduced which attempted to limit the scope of this provision.

Mr. Wesley introduced an amendment which reads as follows:

> " 'Amendment No. 1 to Convention Amendment No. 6. Amend Convention amendment No. 6 by adding at the end of said amendment the following words: "the maximum rate of interest which may be charged for the loan of money in amounts of $300.00 or less, whether repayable in stated installments or in one lump sum, shall be one percent per month on the unpaid balance and such

interest shall be in full compensation for the loan and no additional charges shall be made" ' " (Tr. 922).

This amendment was defeated.

Mr. Storckman introduced an amendment as follows:

" 'Amendment No. 1 to Amendment No. 1. To Convention Amendment No. 6. Offered by Mr. Storckman. By inserting after the word "money" at the end of the first sentence the following: "Provided, however, the General Assembly may classify loans as to the amounts and may fix different rates of interest for each such class" so that Amendment No. 1 as amended will read "the maximum rate of interest which may be charged for the loan" ' ". (Tr. 931)

This amendment was defeated.

Senator Cope, in discussing this provision of the Constitution, Section 44, Article III, when it came up for final approval, said: (Tr. 5637)

". . . If it means anything in the world it means that any interest rate the Legislature can fix must apply to everybody, every group, every corporation, every partnership, every person in the state. That is what it means and nothing else. But they can't do it under the wording of this section. Mr. Storckman says it is all right to classify lenders. Yes, but under this section the borrowers are classified too. Mr. Storckman sent up an amendment over in the Supreme Court Building trying to make it plain that the Legislature would have the right to classify loans and fix different rates for each class and the Convention voted it down. That, in itself, would be enough for the Supreme Court to know that the Legislature would have no right to classify any loans to provide a higher rate for a small amount for these people who have to patronize small loan companies and there are lots of them. . . ."

Mr. Cope continuing said:

"Here is a letter from Jim Finch, one of the prominent lawyers of Cape Girardeau. Here is what he says. 'I

think that if the proposed constitutional provision is adopted that the Legislature would be prohibited from providing for different rates of interest for different types of loans. . . .'

"Here is another one—legal opinion given by William R. Gentry of the City of St. Louis, one of the prominent attorneys of this state. Here is what he said. 'Therefore, it is my opinion that any act of the Legislature authorizing the making of loans on the basis of the amount of money borrowed and providing for different rates of interest according to amounts based upon the type of security for the loan and providing for different rates according to the different classes of security would be in conflict with the section and would, therefore, be void.' . . . ."

A reading of the Wesley and Storckman amendments discloses that the Constitutional Convention realized that types of loans and the size of loans could not be classified under the above provision, Section 44, and that a proviso or amendment was necessary to allow special interest rates to persons lending money in the amount of $300.00 or less.

The Constitutional Convention by refusing to adopt such amendments went on record as stating that there could be no classifications of types or sizes of loans and that all lenders should have the same interest rate.

Section 5 of Senate Bill No. 9 does create classes of lenders, to-wit, those engaged in lending a particular amount of money in a certain specified way and does fix rates of interest for such particular groups or classes who are engaged in lending money in the amounts and in the manner prescribed by Senate Bill No. 9.

Before the adoption of Section 44, Article III of the 1945 Constitution there had grown up in this and other states a number of well defined types and classifications of lenders and special laws had been adopted fixing interest rates for the various classes of lenders, namely, small loan laws, loan and investment laws, pawnbrokers' laws, credit union laws and others.

Senate Bill No. 9 recognizes various types and classifications of lenders heretofore existing and permits them to con-

tinue business in practically the same manner and under the same conditions as did the laws in force at the time of the adoption of the new Constitution.

Section 5a, for instance, on written contracts evidencing loans which are payable in substantially equal installments at substantially equal periodic intervals over a period not in excess of thirty-six months, permits lenders to charge interest at a rate of ten per centum per annum, deducted in advance from the original principal amount for the full term of the loan, on that part of the principal amount borrowed not exceeding $300.00, and allows such lenders to charge six per centum per annum, deducted in advance on that part of the entire principal amount borrowed exceeding $300.00, but not exceeding $1500.00 for the full term of the loan, and four per centum per annum, deducted in advance on that part of the entire principal amount borrowed exceeding $1500.00, for the entire period for which the loan is made. In addition, such lenders are entitled to additional fees on that part of the original principal amount not exceeding $300.00.

Under Article 8 of Chapter 33, of the Revised Statutes of Missouri 1939, loan and investment companies, prior to July 1, 1946, were permitted to charge borrowers interest at the rate of eight per cent per annum, deducted in advance, plus certain fees. It is common knowledge that most loans made by loan and investment companies were of relatively small amounts. Loan and investment companies would be permitted, under the provisions of Senate Bill No. 9, to continue to operate substantially as in the past, but would be permitted to charge interest at the rate of ten per cent per annum, deducted in advance, on that part of the entire principal amount borrowed not exceeding $300.00, instead of eight per cent per annum which they formerly were permitted to deduct in advance.

Under the provisions of said Section 5a of Senate Bill No. 9, lenders may convert the amount of interest and fees permitted to be deducted in advance into a true interest rate, and may receive such true interest rate on the unpaid balances of the principal amount of the loan for the time such balances are actually outstanding. This provides a method for lenders formerly engaged in the small loan business to continue to

charge interest in the same manner as previously provided under the small loan law. The only difference is that small loan companies were previously authorized to charge three per cent per month on any loan of $100.00 or less, and two and one-half per cent per month on any loan of more than $100.00 and not more than $300.00, while under the provisions of Senate Bill No. 9 such small loan companies would be permitted to charge a reputed 26.88 per centum per annum interest rate on the principal amount not exceeding $300.00. Such small loan companies could, of course, loan an amount in excess of $300.00 under the provisions of Senate Bill No. 9 and charge an interest rate not to exceed six per centum per annum, deducted in advance, on that part of the entire principal amount borrowed exceeding $300.00, but not exceeding $1500.00, and four per centum per annum, deducted in advance, on that part of the entire principal amount borrowed exceeding $1500.00.

Pawnbrokers are also recognized by the provisions of Section 5c, of Senate Bill No. 9, and are permitted to continue business in the same manner as heretofore except such pawnbrokers may now charge a true rate of interest equal to ten per cent per annum, deducted in advance on the entire principal amount for the full term of the loan, plus certain fees, totalling a reputed 26.88 per centum per annum which is in excess of the two per centum per month such pawnbrokers could formerly charge.

In other words, Section 5 of Senate Bill No. 9 does allow loan and investment companies, small loan companies, and pawnbrokers to enjoy a special rate of interest. Proponents of Senate Bill No. 9, however, contend that said special rates of interest are not made for any particular group or class and that they are applicable generally and to all lenders without regard to the type or classification of their business. I think not. If such interest rates were applicable generally and to all lenders then anyone loaning the amounts specified in the bill could charge the rates of interest authorized by said Section 5a. This is not true. Only lenders who lend money in the particular way and manner specified in the bill are permitted to charge the rates authorized by Section 5a. It is only lenders who loan money evidenced by written contracts payable in substantially equal installments at substantially

equal periodic intervals over a period not in excess of thirty-six months who are permitted to charge the specified rates and such lenders must comply with all applicable provisions of the act. As an example, the lender must, at the time of making the loan, deliver to the borrower a written statement or a copy of the loan contract showing certain information required by the act. The contract must also contain an agreement permitting the borrower to repay the loan in whole or in part at any time.

Of course, anyone desiring to comply with all of the provisions of Senate Bill No. 9 would be permitted to charge the interest authorized but if they did lend money in compliance with the provisions of Senate Bill No. 9 that would amount to engaging in the business of making loans of small amounts at high interest rates as heretofore permitted and allowed only to be done by small loan companies, loan and investment companies, and pawnbrokers. Therefore, the rates of interest provided by Section 5a do not apply generally to all lenders without regard to the type or classification of their business.

Senate Bill No. 9 not only classifies loans of $300.00 or less, but also classifies loans not exceeding $1500.00 and loans in excess of $1500.00, and authorizes different rates of interest for each of such classes. All three classes of loans must be made in a particular manner, to-wit, evidenced by written contract, payable in substantially equal installments at substantially equal periodic intervals over a period not in excess of thirty-six months. The distinction between a classification of lenders and a classification of loans is a nebulous one. It is my opinion that the bill authorizing lenders to charge different rates of interest for different classes of loans creates a classification of lenders and authorizes such classes to charge a particular rate of interest not permitted to be charged generally and by all lenders.

In support of the above statement I call attention to the following cases:

In Commonwealth v. Puder, 261 Pa. 129, 104 Atl. 505, the Supreme Court of Pennsylvania, in speaking of an act relating to persons lending $300.00 or less said:

> "On the other hand, the act of 1915 confines the class of loans to those not exceeding $300 and defines the class of

borrowers as 'individuals pressed by lack of funds to meet immediate necessities.' It thus appears all persons are eliminated from taking the benefit of the act, except those who desire to make loans not exceeding $300 in amount . . . . . ."

"It remains only to consider whether or not the basis of classification adopted in the act of 1915 is a proper one. . . . Applying the foregoing principles to the present case, the fundamental question is whether a necessity exists demanding legislation for the class of money lenders in sums of $300 or less to those of limited means who would otherwise be unable to procure needed funds, and whether classification adopted to meet such necessity is based on a real and not merely an artificial distinction. . . . ." (Underscoring mine)

In State v. Sherman, 18 Wyo. 169, 105 Pac. 299, l. c. 302, the Supreme Court of Wyoming said:

"In support of the objections to the statute before us, it is argued that there is no reasonable ground of difference authorizing this legislation between the loan of a sum less than $200, and the loan of a greater amount. . . . .

". . . . There would thus appear to be a substantial difference between that class and others with respect to the rate of interest demanded and received. The act fixes the dividing line between the class affected by it and the persons and transactions excluded at the sum of $200. . . . ."

Senate Bill No. 9 violates Section 44, Article III of the 1945 Missouri Constitution because in allowing a rate of interest to persons making a loan of $300.00 or less which is greater than the rate of interest allowed those who make loans of $300.00 a classification of lenders is created. Senate Bill No. 9 classifies lenders into three groups insofar as rates of interest are concerned and makes $300.00 and $1500.00 the dividing line between the classes. Section 44, Article III forbids "rates of interest" either higher or lower for any particular group.

I believe that Senate Bill No. 9 violates the spirit of Section 44 of Article III of the 1945 Constitution and violates the intent of the framers of the Constitution. The purpose of Section 44, Article III of the Constitution was not only to wipe out classifications of lenders and put everybody lending money on a common basis, but it was also intended to lower interest rates generally instead of raising them for all lenders to the rates previously allowed a few specialized lenders. This is shown by a reading of the Constitutional Convention debates commencing at page 909.

"Mr. Wesley: Well, I don't see where that will repeal any present statute. It will simply allow the banks to come up to the thirty-six percent and maybe, eventually competition will force it down, maybe, eventually—maybe, isn't that right, Senator?

"Mr. McReynolds: No, no, Mr. Wesley, this thirty-six percent and thirty percent is applicable to a particular class or group of loans.

"Mr. Welsey: Of Loans?

"Mr. McReynolds: Yes, the law in our statute books allowing that charge is a class—piece of class legislation and is limited to a particular group. Your banks can't charge you now, nobody can except the members of that group.

"Mr. Wesley: Your amendment will allow them to come into that group?

"Mr. McReynolds: No, no, sir.

"Mr. Wesley: I don't understand.

"Mr. McReynolds: My amendment will destroy every single classification of any kind and will put everybody loaning money on a common plan. Our whole trouble today is that we set up these special classifications and give them special benefits because of alleged conditions that prevail in the class. Now, my theory is that if you wipe out classifications so that they are on a common level, then you find yourself back to your fixed interest rates that have been in our statutes for sixty or seventy years

and these, all of these group rates built around a special classification must disappear under the Constitutional amendment. Now, I have no objection if you feel that it isn't broad enough for the amendment to say that this shall have the effect of appealing [repealing] any class rates in existence.

"Mr. Wesley: That is what I am afraid of. That rate of thirty-six percent will stay and allow any Building and Loan Association and the banks and all of them to get up to that high rate, depending on competition to bring the rate down, and I think there will be no competition because I think they will get together sooner or later.

"Mr. McReynolds: It can't stay as it is now, Mr. Wesley, because those are class rates and if you wipe out your class rates you have the common level which is applicable to everybody.

"Mr. Wesley: The way that reads to me, I understand that it simply wipes out the classes of lenders who can charge that money and put them all in the same class.

"Mr. McReynolds: That is right."

. . . . .

"Mr. Damron: . . . Now, what I am particularly interested in is this, and I want somebody to answer the question. If Senator McReynolds' proposal is adopted and experience proves that these small loans can't be made at their legal rate of interest, which would be eight percent as I understand it, then would the Legislature have the power to pass a law permitting a higher rate of interest on small loans? That's what I'd like for somebody to answer and convince me that they are right about it.

"Mr. Finnegan: May I? Will you state your question again?

"Mr. Damron: If Senator McReynolds' proposition is adopted and experience would prove that these small loans can't be made at the legal rate of interest, which I under-

stand would be eight percent, then would the Legislature have the power to make a higher rate of interest for small loans and a different rate of interest for higher loans?

"Mr. Finnegan: No, they wouldn't be able to make any different rate for any class.

"Mr. Damron: I don't want to vote something whereby the banks could charge fifteen percent on a $10,000.00 loan or any sizable loan.

. . . . .

"Mr. Park: . . . I am sure that the members of the Legislature will see to it that not more than eight percent will be charged. . . . . (Tr. 993)

"Mr. Parker: . . . I haven't the slightest doubt, not the slightest, and I'd say that to the best friend I've got on earth, but what the Legislature will come here and adopt a rate of interest not higher than eight percent if the matter ever comes up before it. . . ." (Tr. 993)

Senate Bill No. 9 would enable pawnbrokers, small loan companies, and loan and investment companies, to continue to operate substantially in the same old way. Small loan companies might not be able to charge quite as much interest as they formerly did under the small loan law, but other specialized lenders will be able to charge much more, and banks, credit associations, building and loan associations, private individuals, and others, will be permitted to charge a far higher rate of interest than was ever dreamed of before the adoption of the Constitution of 1945.

Under the old small loan law, only small loan companies, under rigid regulations and supervision, could charge interest on loans of $300.00 or less at a rate even approximating the rate permitted by Senate Bill No. 9 to all lenders who comply with its provisions. The theory in permitting small loan companies to charge high rates of interest was based on the proposition that certain necessitous borrowers could not obtain loans from any other class of lenders and that the hazards incident to such loans justified such high rates. It was never

dreamed that banks, which, as a matter of fact, were specifically excluded from coming under the provisions of the small loan law, would ever be permitted to charge the public generally small loan interest rates.

If Senate Bill No. 9 were to become a law not only would that class of borrowers whose loans are considered hazardous be required to pay what I consider exorbitant rates, but the borrowing public generally would likewise be subjected to such rates.

Under laws invalidated by the Constitution, pawnbrokers could charge two per cent per month, credit unions one per cent per month, loan and investment companies eight per cent per annum, discounted, plus $1.00 investigation fee on every $50.00 loaned, and a fee of not greater than $20.00 on a loan secured by chattel mortgage or a lien upon a motor vehicle. Banks, of course, can charge only eight per cent simple interest, as can building and loan associations, insurance companies, private lenders, and others, under existing laws.

Under Senate Bill No. 9 pawnbrokers, loan and investment companies, and credit unions would be permitted to charge a higher rate of interest than formerly. Banks and others, of course, would be permitted to charge far more than under the present law.

Under the old Small Loan Law small loan companies could charge thirty-six per centum per annum on loans of $100.00 or less, and thirty per cent per annum on loans of more than $100.00 and not in excess of $300.00.

Under Senate Bill No. 9, according to a reputable actuary, the lender could charge on a loan not to exceed $100.00, 27.59 per cent per annum, on a loan of $300.00, 27.01 per cent per annum, and on a loan of $1,000.00, 15.88 per cent per annum. In addition, said Senate Bill No. 9 would permit interest to be charged on interest, which was not permitted under the old small loan act. Furthermore, the lender may charge, under Senate Bill No. 9 fees allowed by law actually and necessarily paid out by the lender to any public officer for filing, recording or releasing in any public office any instruments securing a loan. This charge could not be made under the old small loan law. In addition thereto, the lender may charge the costs incurred in obtaining a search of the public

records and the issuance of a certificate pertaining thereto. Such a fee as this could not be charged under the old small loan law.

Under Senate Bill No. 9 persons engaged in selling merchandise on the installment plan could loan the purchase price to the buyer and charge him the high rate of interest permitted by the bill. The act provides that the loan contract shall contain an agreement permitting the borrower to prepay the loan in whole or in part at any time, and further provides that on prepayment in full the borrower will receive a refund of the unearned portion of the total amount of interest which has been deducted as provided in paragraph a, of Section 5 of the bill, but it specifically provides that no refund shall be required for any partial prepayment of any loan. In other words, the lender may charge and deduct the interest in advance and keep the entire amount deducted for the entire period of the loan, although nine-tenths of the loan may have been prepaid long before due. This could not have been done under the old small loan law. Said bill provides that delinquent installments may bear interest at an agreed rate not exceeding ten per cent per annum from the date of maturity originally scheduled in the loan contract which is in addition to the twenty-seven per cent per annum already paid.

In conclusion I think there is no question but what Section 44 of Article III requires that the rates of interest fixed by law shall be applicable generally and to all lenders without regard to the type or classification of their business. That is what the section says and according to the debates in the Constitutional Convention that is what the framers of the Constitution intended. The rates of interest fixed by Senate Bill No. 9 do not apply generally and to all lenders but only to the particular class of lenders mentioned herein and such special rates of interest are based on the type and classification of the lenders' business. This violates the spirit and intent of Section 44 of Article III of the 1945 Constitution. I think the framers of the Constitution also intended that the rates of interest which lenders charged the borrowing public were to be reasonable rates and not the exorbitant rates which small loan companies were formerly permitted to charge. For in-

stance, Mr. Park said, "I am sure that the members of the Legislature will see to it that not more than eight percent will be charged." Mr. Parker said, ". . . I haven't the slightest doubt, not the slightest, and I'd say that to the best friend I've got on earth, but what the Legislature will come here and adopt a rate of interest not higher than eight percent if the matter ever comes up before it. . . . ." Mr. Damron said, "I don't want to vote something whereby the banks could charge fifteen percent on a $10,000.00 loan or any sizable loan." Mr. Julian said, "You think that this amendment here would have the effect of lowering the interest rates in Missouri?"

Mr. McReynolds: "It is inevitable."

Mr. Julian: "It would force the General Assembly to lower the interest rate from the thirty and thirty-six percent down?"

Mr. McReynolds: "Why, it would destroy that classification. It would put them all on a common ground. . . . ." (Tr. 905).

I stated in my veto message on Senate Substitute for House Committee Substitute for House Bill No. 838 in the Sixty-third General Assembly that the rates of interest provided in that bill were excessive and not justified. The rates of interest and charges provided in Senate Bill No. 9 are as high or higher than the rates in House Bill No. 838.

The debates in the Constitutional Convention show that the purpose of Section 44 of Article III was not only to wipe out classifications of lenders and put everybody loaning money on a common basis, but it also was intended to lower interest rates generally instead of raising them for all lenders to the rates previously allowed a few specialized lenders. The borrowing public is entitled to consideration. I do not intend to approve any legislation that subjects the public generally to the exorbitant rates of interest provided for in this bill. Neither do I intend to approve legislation that does not apply to all lenders generally without regard to the type or classification of their business. Section 44 of Article III of the Constitution may be an unwise provision. If it is there is a way to correct it, but so long as it remains in the Constitution I

intend to carry out the intention of the framers of the Constitution and those who adopted it.

For the reasons herein stated I do not approve Senate Committee Substitute for Senate Bill No. 9.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

JUNE 5, 1947

From the Journal of the House of Representatives, pp. 1329-1331

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 5, 1947.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, House Bill No. 157, entitled:

"AN ACT

"To repeal Sections 11945 and 11949 of Article 19, Chapter 76, Revised Statutes of Missouri, 1939, relating to registration and elections in all cities of this state which now contain or may hereafter contain 10,000 inhabitants and less than 30,000 inhabitants, and to enact in lieu thereof two new sections relating to the same subject matter, to be known as Sections 11945 and 11949."

This bill applies to cities having a population of ten thousand and less than thirty thousand inhabitants.

Section 11945 of House Bill No. 157 has a new provision found in lines 9 to 13, inclusive, page 2, wherein it is "provided that when any person has changed his domicile to a precinct or ward other than the one in which he is legally registered, such person shall not be qualified to vote in the precinct or ward from which he has moved his domicile."

The above provision in House Bill No. 157 will have the effect of disfranchising all registered voters who change their domicile during the time that the registration books are closed. The registration books are closed for ten days preceding an election and there is no provision in the law applicable to cities having a population of ten thousand and less than thirty thousand inhabitants for registering a voter during said ten-day period.

Other cities have attempted to take care of a situation where a voter moves from a precinct or ward during the time that the registration books are closed or intends to move from his precinct or ward during said period.

In cities of the first class (Section 11987, Laws of Missouri, 1941, pages 358 and 359), it is provided that "any duly registered voter who has complied with the provisions of this act who shall change his address within the city during the closed period for registration may for the purpose of the election immediately following such closed period vote in the precinct in which he is properly registered, even though he may have moved from that address during the closed period if in all other respects he is a properly qualified voter of such city." (Underscoring mine)

In cities of from three hundred thousand to seven hundred thousand inhabitants it is provided (Section 12124, Revised Statutes of Missouri, 1939) ". . . Any registered voter who changes his residence after the close of registration may thereafter up until the close of office hours of Friday preceding the day of election apply in person at the main office of the board and have his registration transferred by taking oath and signing an affidavit of his removal since the date of the close of registration, stating the exact date upon which he changes his residence."

In cities of one hundred fifty thousand inhabitants or over it is provided (Section 11865, Revised Statutes of Missouri, 1939) ". . . If any voter who has registered in one precinct shall remove to another at any time before Wednesday next preceding the election at which he or she desires to vote or if such voter shall appear before the board of election commissioners or the clerk thereof at any time before said Wednesday and declare his or her intention to move and be

domiciled in another precinct on election day and shall request a change of registration and a certificate thereof, it shall be the duty of the board of election commissioners to allow such change of registration . . . ." (Underscoring mine.)

In other words, if a citizen is a qualified, registered voter in a city or county he should be entitled to vote at an election and merely because he has moved from one precinct or ward to another in the city during the time that the registration books are closed should not disfranchise him. The practical effect of the proviso in Section 11945 of House Bill No. 157 is that if a person moves from one precinct or ward to another in the city and has not transferred his registration as provided for in Section 11951, Revised Statutes of Missouri, 1939, (before the 10th day preceding the election) he is prohibited from voting because, under the proviso in Section 11945 of House Bill No. 157 he cannot vote from the precinct or ward from which he has moved his domicile.

Provision is made as above stated in other cities and counties where registration is provided to permit the voter to transfer his registration after the books have been closed or if he intends to move during said closed period he is given an opportunity to have his registration transferred.

Under the present Section 11949, Revised Statutes of Missouri, 1939, it is provided "Registration for any election shall be closed at five o'clock P. M. on the Wednesday of the second week preceding the election, and no voter shall be thereafter registered prior so [to] said election, except by order of a judge of the circuit court." (Underscoring mine)

It will be noted that Section 11949 of House Bill No. 157 provides "Registration for any election shall be closed at five o'clock P. M. on the tenth day preceding the election, and no voter shall be thereafter registered prior to said election." The provision which now appears in Section 11949, Revised Statutes of Missouri, 1939, "except by order of a judge of the circuit court" is omitted from Section 11949 of House Bill No. 157.

In the Sixty-third General Assembly Senate Committee Substitute for Senate Bills Nos. 33 to 39, inclusive, repealed and reenacted Section 11949, Revised Statutes of Missouri,

1939. I vetoed this bill for certain reasons which are a matter of record. However, Section 11949 of said Senate Committee Substitute contained the provision "except by order of a judge of the circuit court." Said Section 11949 of said Senate Committee Substitute also contained a provision that a person who has been unable to register may appear before two judges of election in the precinct where the voter registers and said judges shall have the authority to register such voter. I stated in said veto message of said Senate Committee Substitute that from a practical standpoint but few voters could be registered on the day of election because the judges were too busy with their duties on the day of election. However, this provision in Section 11949 does give the voter who is not registered an opportunity to register, and he should be given this opportunity, and it should remain in the statutes. House Bill No. 157 omits this provision in its entirety.

House Bill No. 157 provides that registration for any election shall be closed at five o'clock P. M. on the tenth day preceding the election and no voter shall be thereafter registered prior to said election. Said House Bill No. 157 also provides that when any legally registered voter moves from a precinct or ward to another precinct or ward in the city other than the one in which he is legally registered that such legally registered voter shall not be qualified to vote in the precinct or ward from which he has moved his domicile; said bill does not provide any method by which a registered voter may transfer his registration during said closed period nor is any method provided before said closed period whereby he may be given an opportunity to appear before the board of registrars and request a transfer before the election. It is my opinion that these provisions in this bill are unfair to the qualified voters of the cities within this class.

For these reasons I do not approve this bill.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE HOUSE OF REPRESENTATIVES

JUNE 6, 1947

From the Journal of the House of Representatives, pp. 1323-1325

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 6, 1947.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, House Committee Substitute for House Bill No. 197, entitled:

"AN ACT

"To provide for the employment and compensation of deputies and assistants by the county collector of revenue in counties of the 4th class, and for an additional duty of the county collector of revenue to distribute state income tax blanks."

House Committee Substitute for House Bill No. 197 provides for the employment and compensation of deputies and assistants for the county collector of revenue in counties of the fourth class, together with an additional duty of the county collector of revenue to distribute State income tax blanks.

House Committee Substitute for House Bill No. 197 will be referred to as House Bill No. 197 in this message.

Said House Bill No. 197 makes no provision for computing or allowing the salaries provided for the deputies and assistants upon any definite period of time basis. In other words, in House Committee Substitute for House Bill No. 198, a companion bill, in Section 1, line 4, it states that the compensation therein provided may be allowed "annually." The word "annually" does not appear in House Committee Substitute for House Bill No. 197. There is no way to determine upon what time basis the compensation should be allowed.

In the case of State ex rel. vs. Thompson, 5 S. W. (2d) 57, l. c. 59, the Supreme Court of Missouri quoted approvingly from Johnson v. Barham, 99 Va. 305, 38 S. E. 136, as follows:

> " 'It is safer in a case which admits of doubt, where the court finds itself at all involved in conjecture as to what was the legislative intent, that the particular object which may reasonably be supposed to have influenced the Legislature in the particular case should fail of consummation than that courts should too readily yield to a supposed necessity, and exercise a power so delicate, and so easily abused, as that of adding to or taking from the words of the statute.' " (Underscoring mine)

In other words, I seriously doubt if the Court would have the right to add the word "annually" in line 4 of Section 1 of House Bill No. 197, and because of this doubt and uncertainity it is my opinion this bill should not be approved.

There are other reasons why this bill should not be approved. It provides for the employment of deputies and assistants by the Collector of Revenue in counties of the fourth class with the approval of the county court and provides for compensation for said deputies and assistants. I have been unable to find any bill which has been enacted since the effective date of the 1945 Missouri Constitution providing for the compensation or salary of county collectors in counties of the third and fourth class. Therefore, the compensation of county collectors in the third and fourth class is computed by the provisions of Section 11106, Revised Statutes of Missouri, 1939, and the compensation of deputies and clerical hire of the county collectors is governed by Section 11107, Revised Statutes of Missouri, 1939. Said section is as follows:

> "Section 11107. That the officers referred to in section 11106, in addition to the maximum amount of fees and commissions permitted to be retained by county collectors as provided in section 11106, Revised Statutes of Missouri for 1939, each such officer may retain for the payment of deputy and/or clerical hire a sum not to exceed twenty-five per cent of the maximum amount of fees and commissions which such officer is permitted to retain by said section as so amended, but such deputy and/or clerical hire shall be payable out of fees and commissions earned and collected by such officer only and not from general revenue."

Said Section 11107 is not repealed or referred to in any manner in House Bill No. 197. It is my opinion, if House Bill No. 197 were to become a law that the deputies and assistants of the county collector would receive compensation under both House Bill No. 197 and Section 11107, Revised Statutes of Missouri, 1939.

House Bill No. 197 seeks to justify the compensation provided in House Bill No. 197 for the deputies and assistants of the county collectors by providing for an additional duty on the county collector of revenue by making available at his office copies of income blanks for the citizens of the county who may desire copies of such blanks and to make it known to the citizens of the county that such blanks are available at his office. Of course, this additional duty is a subterfuge.

The collection of the State income tax and the furnishing of blank forms is now vested in the Department of Revenue and under Section 11353 of House Bill No. 676 of the Sixty-third General Assembly the Director of Revenue has the authority to establish temporary or permanent branch offices in the State and also has the authority to mail income tax forms to the individual income taxpayer. If income tax forms are to be made available at any county office, in my opinion, it should be the assessor's office or the county clerk's office, but regardless of that all of this was wiped out by the creation of the Department of Revenue and we should not commence this early to duplicate the duties of the Director of Revenue by imposing a duty on the county collector of revenue as provided in Section 2 of House Bill No. 197 to make available at his office copies of income tax blanks. This would be a duplication of the duties required of the Director of Revenue.

House Bill No. 197 provides for the employment and compensation of deputies and assistants for the collector of revenue in counties of the fourth class, coupled with a provision for additional duties of the collector.

House Bill No. 197 contains more than one subject and violates Section 23 of Article III of the Constitution of 1945. Said section reads as follows:

> "Section 23. No bill shall contain more than one subject which shall be clearly expressed in its title, except bills enacted under the third exception in section 37 of this

article and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated."

Section 1 of House Bill No. 197 pertains to the employment and compensation of deputies and assistants of the collector of revenue.

Section 2 of House Bill No. 197 provides for additional duties to be imposed on the collector of revenue by law and sets out the duties. This is an entirely different subject to the compensation and salary provision for the deputies and assistants in Section 1 and in my opinion violates the above section of the Constitution.

For the reasons above set forth I do not approve House Committee Substitute for House Bill No. 197.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

JUNE 6, 1947

From the Journal of the House of Representatives, pp. 1325-1326

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 6, 1947.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, House Committee Substitute for House Bill No. 198, entitled:

"AN ACT

"To provide for the employment and compensation of deputies and assistants by the county collector of revenue in counties of the 3rd Class, and for an additional duty of the county collector of revenue to distribute state income tax blanks."

House Committee Substitute for House Bill No. 198 provides for the employment and compensation of deputies and assistants for the county collector of revenue in counties of the third class, together with an additional duty of the county collector of revenue to distribute state income tax blanks.

House Committee Substitute for House Bill No. 198 will be referred to as House Bill No. 198 in this message.

I have been unable to find any bill which has been enacted since the effective date of the 1945 Missouri Constitution providing for the compensation or salary of county collectors in counties of the third and fourth class. Therefore, the compensation of the county collectors in the third and fourth class is computed by the provisions of Section 11106, Revised Statutes of Missouri, 1939, and the compensation of deputies and clerical hire of the county collectors is governed by Section 11107, Revised Statutes of Missouri, 1939. Said section is as follows:

> "Sec. 11107. That the officers referred to in section 11106, in addition to the maximum amount of fees and commissions permitted to be retained by county collectors as provided in section 11106, Revised Statutes of Missouri for 1939, each such officer may retain for the payment of deputy and/or clerical hire a sum not to exceed twenty-five per cent of the maximum amount of fees and commissions which such officer is permitted to retain by said section as so amended, but such deputy and/or clerical hire shall be payable out of fees and commissions earned and collected by such officer only and not from general revenue."

Said Section 11107 is not repealed or referred to in any manner in House Bill No. 198. It is my opinion if House Bill No. 198 were to become a law that the deputies and assistants of the county collector would receive compensation under both House Bill No. 198 and Section 11107, Revised Statutes of Missouri, 1939.

House Bill No. 198 seeks to justify the compensation provided in House Bill No. 198 for the deputies and assistants of the county collector by providing for an additional duty on the county collector of revenue by making available at his

office copies of income blanks for the citizens of the county who may desire copies of such blanks and to make it known to the citizens of the county that such blanks are available at his office. Of course this additional duty is a subterfuge.

The collection of the State income tax and the furnishing of blank forms is now vested in the Department of Revenue and under Section 11353 of House Bill No. 676 of the 63rd General Assembly the Director of Revenue has the authority to establish temporary or permanent branch offices in the State and also has the authority to mail income tax forms to the individual income taxpayer. If income tax forms are to be made available at any county office, in my opinion, it should be the assessor's office or the county clerk's office, but regardless of that all of this was wiped out by the creation of the Department of Revenue and we should not commence this early to duplicate the duties of the Director of Revenue by imposing a duty on the county collector of revenue as provided in Section 2 of House Bill No. 198 to make available at his office copies of income tax blanks. This would be a duplication of the duties required of the Director of Revenue.

House Bill No. 198 provides for the employment and compensation of deputies and assistants for the collector of revenue in counties of the third class, coupled with a provision for additional duties of the collector.

House Bill No. 198 contains more than one subject and violates Section 23 of Article III of the Constitution of 1945. Said section reads as follows:

> "Section 23. No bill shall contain more than one subject which shall be clearly expressed in its title, except bills enacted under the third exception in section 37 of this article and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated."

Section 1 of House Bill No. 198 pertains to the employment and compensation of deputies and assistants of the collector of revenue.

Section 2 of House Bill No. 198 provides for additional duties to be imposed on the collector of revenue by law and sets out the duties. This is an entirely different subject to

the compensation and salary provision for the deputies and assistants in Section 1 and in my opinion violates the above section of the Constitution.

For the reasons above set forth I do not approve House Committee Substitute for House Bill No. 198.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

JUNE 6, 1947

From the Journal of the House of Representatives, pp. 1327-1329

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 6, 1947.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, House Bill No. 219, entitled:

"AN ACT

"To appropriate, transfer and set apart money from the post war reserve fund to the county aid road fund."

Committee Substitute for House Bill No. 214 was enacted by the Sixty-third General Assembly, approved July 23, 1946. This bill created a County Aid Road Fund to receive appropriations by the General Assembly from the Missouri Post War Reserve Fund for the purpose of aiding and assisting the improvement, construction, reconstruction, and restoration of county roads in the manner provided in said act.

It is my understanding that said act was to provide a road building program for a period of five years and the sum of two million dollars was to be appropriated each year for said program. In other words, the total appropriation for said program by virtue of said bill was to be ten million dollars.

House Committee Substitute for House Bill No. 1035 was enacted by the Sixty-third General Assembly, approved October 14, 1946, appropriating out of the State Treasury, chargeable to the Missouri Post War Reserve Fund, the sum of two million dollars, which said sum of two million dollars under the terms of said bill was transferred and set apart to the County Aid Road Fund to be apportioned to the counties in accordance with the provisions of said Committee Substitute for House Bill No. 214. The Attorney General of Missouri in an opinion dated November 13, 1946, held said House Committee Substitute for House Bill No. 1035 unconstitutional. However, the particular question that the Attorney General was rendering his opinion on was the question of the apportioning of funds to the counties under the provisions of said Committee Substitute for House Bill No. 214. I think there is no question but what the General Assembly has the right to transfer from the Missouri Post War Fund to the County Aid Road Fund the sum of two million dollars or any other sum. In fact, said transfer has been recognized by the State Treasurer as a valid transfer and a County Aid Road Fund has been set up on the books of the State Treasurer and said two million dollars, authorized by House Committee Substitute for House Bill No. 1035, was transferred on the State Treasurer's books to the County Aid Road Fund. It is my opinion that the transferring and setting apart to the County Aid Road Fund of said two million dollars was a valid transfer.

In order to meet the objections set forth in the opinion of the Attorney General, there was introduced into the Sixty-fourth General Assembly House Bill No. 220 which appropriated out of the State Treasury, chargeable to the County Aid Road Fund, the sum of two million dollars or so much thereof as may be necessary to be apportioned according to law among the counties of the State which comply with the provisions of law granting aid to counties for the improvement, construction, and restoration of county roads. House Bill No. 220 was for the period beginning January 8, 1947, and ending June 30, 1947.

Up to this date no contracts have been charged against the appropriation provided in House Bill No. 220 and I am reliably informed by the State Highway Department and the State Comptroller that no obligations will be incurred against

said appropriation by June 30, 1947, and therefore, House Bill No. 220 will expire June 30, 1947. Said sum of two million dollars transferred to the County Aid Road Fund by House Committee Substitute for House Bill No. 1035 of the Sixty-third General Assembly remains intact in said County Aid Road Fund.

House Bill No. 219, enacted by the Sixty-fourth General Assembly, transfers and sets apart from the Post War Reserve Fund to the County Aid Road Fund the sum of ten million dollars. It is my opinion that the transfer under House Bill No. 219 of the Sixty-fourth General Assembly of ten million dollars to the County Aid Road Fund and the transfer of two million dollars under House Committee Substitute for House Bill No. 1035 of the Sixty-third General Assembly to the County Aid Road Fund would provide a fund of twelve million dollars in said County Aid Road Fund. I am sure this was not the intention of the General Assembly but that the General Assembly intended to transfer and set apart the total sum of ten million dollars, and not the sum of twelve million dollars, to said County Aid Road Fund.

If House Bill No. 219 could be construed to be an appropriation bill the Governor under Section 26, Article IV of the 1945 Constitution could reduce the ten million dollars provided in House Bill No. 219 to eight million dollars, which would make a total of ten million dollars in said County Aid Road Fund. However, it is my opinion that House Bill No. 219 is not an appropriation bill but a bill transferring and setting apart the sum of ten million dollars from the Post War Reserve Fund to the County Aid Road Fund and has to be approved or rejected in toto.

It is therefore my opinion that House Bill No. 219 should not be approved because it would transfer and set aside a larger sum to the County Aid Road Fund than was contemplated or intended.

The veto of House Bill No. 219 will not interfere in any way with the road building program for the fiscal year 1947-1948. As above stated, there is now in the County Aid Road Fund the sum of two million dollars with no obligations incurred against it.

The Sixty-fourth General Assembly provided in Section 4.262 of House Bill No. 173, as follows:

"Section 4.262. There is hereby appropriated out of the State Treasury chargeable to the County Aid Road Fund, the sum of Two Million Dollars ($2,000,000.00) or so much thereof as may be necessary, to be apportioned according to law among the counties of the state which comply with the provisions of law and with the general plans and specifications and requirements formulated, as provided by law, granting state aid to counties for the improvement, construction and restoration of county roads; for the period beginning July 1, 1947, and ending June 30, 1948."

I intend to approve said appropriation in said House Bill No. 173.

The Sixty-fourth General Assembly will reconvene in January, 1948, and at that time can enact a bill transferring and setting apart to the County Aid Road Fund the sum of eight million dollars in order that the original program of ten million dollars may be carried out.

For the above reasons House Bill No. 219 is hereby vetoed and not approved.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JUNE 30, 1947

From the Journal of the House of Representatives, pp. 1371-1372

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 30, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 172, entitled:

"AN ACT

"To appropriate money for the payment of wages, salaries, per diem of the officers and employees; for the original purchase of property; for the repair and replacement of property; for the operating and general expenses of the Department of Revenue and the several divisions thereof; for the payment of the state's part in assessing and collecting revenue, for the period beginning July 1, 1947, and ending June 30, 1948."

and appended to said bill, at the time of signing it, the following statement of the items to which I object, which items are returned without my approval, for the reasons herein stated, which said reasons accompany said bill and are my objections to said items.

I.

Section 3.161. I veto and do not approve the item of $25,000.00 in this section to be set up as a State Paper Procurement Revolving Fund for the use of the State Purchasing Agent, for the purchase of paper for the reason that House Bill No. 78 of the Sixty-fourth General Assembly, providing for the establishment of a Paper Procurement Fund to be administered by the State Purchasing Agent, failed of passage in the Sixty-fourth General Assembly. There being no statute authorizing the appropriation provided for in this section, this appropriation, therefore, is vetoed and not allowed.

II.

Section 3.162. I veto and do not approve the item of $200,000.00 in this section for the use of the State Purchasing Agent for the purchase of paper for State printing for the reason that House Bill No. 78 of the Sixty-fourth General Assembly, providing for the establishment of a State Paper Procurement Revolving Fund for the purchase of paper for State printing, failed of passage in the Sixty-fourth General Assembly.

There being no statute authorizing the appropriation provided for in this section, this appropriation, therefore, is vetoed and not allowed.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JUNE 30, 1947

From the Journal of the House of Representatives, pp. 1378-1381

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 30, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 445, entitled:

"AN ACT

"To appropriate money for the support of the State Government for payment of certain contingent and incidental expenses of the State Government, for the period beginning July 1, 1947, and ending June 30, 1948; and to appropriate money for the payment of various forms of relief; for the several departments of the State Government, several boards, bureaus, and commissions and state officers, and persons, firms and corporations for the payment of which the state may be liable, and appropriating funds for other purposes for the period beginning July 1, 1947, and ending June 30, 1948, and prior years."

and append to said bill, at the time of signing it, the following statement of items, or portions of items, to which I object, which items and portions of items are returned without my approval, for the reasons herein below stated which said reasons accompany said bill and are my objections to said items and portions of items.

I.

Section 9.061. I have approved the appropriation in Section 9.061. However, there is a question as to its validity. The section states that the appropriation is for the relief of the S. S. Kresge Company because of the over-payment of foreign corporation qualification taxes. The Supreme Court of Missouri in a recent case entitled State ex rel. H. D. Lee Company, Inc., vs. Bell, Secretary of State, 195 S. W. (2d)

492 held that the domestication tax as required for original entry is not required of a foreign corporation when the amendment of the articles of incorporation of the foreign corporation are filed extending its corporate existence in the State of Missouri. However, the S. S. Kresge Company voluntarily paid the domestication tax and the courts have held that a voluntary payment of a tax cannot be recovered in the absence of a statute authorizing it, especially when the payment is made under a mistake of law.

The General Assembly by statute has authorized the refund of the erroneous payment of sales tax, income tax, inheritance tax, and probably other taxes but I believe there is no statute authorizing the refunding of foreign corporation qualification taxes. However, the General Assembly in the past has authorized relief bills for the refunding of taxes. I am, therefore, approving the appropriation provided for in Section 9.061 but I deem it advisable to call attention to the above facts.

II.

Section 9.220. I approve $10,000.00 of the appropriation in this section and veto and disallow $10,000.00, leaving in effect $10,000.00. Under the act of the Sixty-second General Assembly, Laws of Missouri, 1943, page 825, providing for the construction and maintenance of a State Office Building in Jefferson City, Missouri, the Board of Public Buildings of the Division of Public Buildings selects and adopts the plans for the State Office Building, employs the architect or architects and is authorized to contract for or secure such architectural services, advice and supervision, and for the furnishing of detailed plans and specifications as said Board may deem best and proper. That part of Section 9.220 commencing in lines 8 and 9 with the words "in accordance" down to and including "Building" in line 12 is legislation that is not authorized in an appropriation bill and conflicts with the provisions of the act of the Sixty-second General Assembly, found in Laws of Missouri, 1943, at page 825, pertaining to the construction of the State Office Building. It is my opinion that the sum of $10,000.00 is adequate for preparing detailed plans, specifications, and estimates for the construction and equipment of a State Office Building.

III.

Sections 9.250 and 9.260. I have approved the appropriation for $1500.00 in Section 9.250 and also the appropriation for $1500.00 in Section 9.260. I wish to point out, there is no specific statutory authority authorizing the payment of per diem and traveling and other expenses to the members of the five judge committee referred to in these sections. However, the courts have held that even in the absence of specific statutory authority, an officer is entitled to reasonable and actual expenses necessarily incurred for the proper conduct of the duties of his office and that reimbursement for such expenses is different and separable from compensation. It is my opinion that the members of the five-judge committee can legally be paid, from the appropriations provided for in Sections 9.250 and 9.260, their reasonable and actual traveling and other expenses incurred during the proper performance of their duties. It is my opinion that they cannot be paid a per diem and that said appropriations cannot be used to pay the per diem of the members of said committee. Legislation to pay the per diem of the members of this committee cannot be included in an appropriation act.

As stated, the approval of these appropriations is not intended to include the per diem of the members of this committee.

IV.

Section 9.290. I have vetoed and disapproved the item in line 76, page 26, Section 9.290, "Eams & Co., St. Louis, Mo.....$852.48" for the reason it is a duplication of the item for the same company and for the same amount in Section 9.050, page 4 of House Bill No. 445. I have approved Section 9.050.

V.

Section 9.341. This section is for an appropriation of $100,000.00 for the Missouri School of Mines and Metallurgy at Rolla for the purpose of beginning the construction and equipping of the laboratory part of the Mineral Industries Building, for the period beginning January 8, 1947, and ending June 30, 1947. The expiration date, June 30, 1947, evidently was a mistake. The construction of this building could

not be commenced in the fiscal year ending June 30, 1947. Therefore said appropriation of $100,000.00 is vetoed and not allowed.

VI.

Section 9.360. I veto and do not approve the appropriation of $6,000.00 to the Director of the Division of Public Buildings of the Department of Revenue for the purpose of furnishing and equipping a State Capitol cafeteria, as provided for in House Bill No. 363.

House Bill No. 363 was enacted for the purpose of establishing a cafeteria in the basement or first floor of the State Capitol Building. At the present time there is no space available on the first floor of the Capitol Building for a cafeteria. In my opinion the basement of the Capitol Building is not a proper place for a cafeteria. House Bill No. 363 authorizes the Division of Public Buildings of the Department of Revenue to establish and provide the necessary facilities for a cafeteria restaurant in the basement or first floor of the State Capitol Building. The bill then provides that the Director of the Division of Public Buildings shall have control and management of the cafeteria. It is my opinion the control and management of the cafeteria should be vested in the Board of Public Buildings, Division of Public Buildings of the Department of Revenue for the reason that the Board of Public Buildings has the general supervision and charge of the Capitol Building. The bill then provides that the Committee on Accounts of the Senate and the Committee on Accounts of the House, subject to the approval of the Director of Public Buildings, may lease the facilities as a concession. The Board of Public Buildings having the general supervision and charge of the Capitol Building should also have the authority to execute leases for concessions if concessions are to be permitted in the Capitol Building. It is my opinion that the provisions of House Bill No. 363 are not only unworkable but they conflict with the general authority of the Board of Public Buildings which has general supervision and charge of the State Capitol Building.

For these reasons I intend to veto House Bill No. 363. The appropriation provided for in Section 9.360 is, therefore, vetoed and not allowed.

VII.

Sections 9.372, 9.373, 9.374, 9.375, 9.376, 9.377, 9.378 and 9.379.

In Section 9.372, I veto and do not approve the items in lines 8 and 9, namely, General Class Room Building $325,000.00, Major Agricultural Building, $425,000.00.

In line 10 of said section I approve the item for a Chemical Building, $250,000.00, for the reasons hereinafter set forth.

In Section 9.373, I veto and do not approve the appropriation in this section to Lincoln University for a Library Building in the sum of $290,000.00.

In Section 9.374, I veto and do not approve the appropriation in this section for the Northeast Missouri State Teachers College for an auditorium in the sum of $290,000.00.

In Section 9.375, I approve the item in line 8 of said section, the top of page 33, Power Plant and Equipment, $50,000.00, but I veto and do not approve the item in line 9 of said section for a Practical and Fine Arts Building in the sum of $310,000.00.

In Section 9.376, I veto and do not approve the appropriation in this section for Central Missouri State College for a Practical Arts and Applied Science Building in the sum of $350,000.00.

In Section 9.377, I veto and do not approve the appropriation in this section for Southeast Missouri State College for a Science Building in the sum of $310,000.00.

In Section 9.378, I veto and do not approve the appropriation in this section for Southwest Missouri State College for a Library Building in the sum of $430,000.00.

In Section 9.379, I approve $100,000.00 of the appropriation of $210,000.00 in this section and veto and do not allow the sum of $110,000.00, leaving in effect $100,000.00. Said sum of $100,000.00 is approved for the replacement of boilers and other equipment in the Power House and for the beginning of the construction of a temporary wing to the present Power House for the purpose of housing the new boilers; the remainder of said section, namely for the purpose of beginning construction, equipping and furnishing of a new infirmary, is vetoed and not approved.

In my inaugural message to the Sixty-third General Assembly on January 8, 1945, I stated "It is estimated that a surplus of approximately $18,000,000.00 will remain in the general revenue fund after all current obligations of the past biennium have been paid. I recommend that this surplus, and any accumulated surplus as the result of economical spending, be safeguarded as a backlog for post war projects and post war employment. Since the war and business incident thereto have been responsible for this surplus, it would seem not only the part of good business but a moral obligation that it be set aside to take care of some of the damage this war will inflict on Missouri. It is going to require hard-headed resistance to pressure groups by both the General Assembly and the Governor in order that this surplus be judiciously spent, and I earnestly recommend to you that you regard this surplus as a sacred fund."

Said sum of $18,000,000.00 plus an additional $12,000,000.00, making $30,000,000.00, was transferred by the Sixty-third General Assembly in 1945-1946 to the Post War Reserve Fund from the General Revenue Fund.

In my message to the Sixty-fourth General Assembly in regard to the Post War surplus fund on January 8, 1947, I stated: "I recommend that the General Assembly resist all efforts to raid this surplus fund. It should be preserved as a sacred trust against the day of need and the unforeseen emergencies of the future."

This admonition has not been followed.

The appropriations passed by the Sixty-third and Sixty-fourth General Assemblies from the Post War Reserve Fund wiped out said $30,000,000.00 surplus and over-appropriated said Post War Reserve Fund in the sum of $824,144.33. In other words, if all appropriations and transfers which have been made were approved said Post War Reserve Fund would be over-appropriated in the above amount.

I vetoed the transfer of $10,000,000.00 from the Post War Reserve Fund to the County Aid Road Fund which was provided for in House Bill No. 219. This sum is still in the Post War Reserve Fund. However, I anticipate that when the General Assembly returns next January $8,000,000.00 will be transferred from the Post War Reserve Fund to the County Aid Road Fund. If so, I will approve said transfer.

The appropriations for buildings contained in the above sections of House Bill No. 445 are not referred to in House Bill No. 176, which contains the ordinary appropriations for these institutions. It is noticeable that the appropriations in the above sections in House Bill No. 445 were included in the omnibus bill in the closing days of the session. Each educational institution was provided with a new building, and in some instances with more than one. This emphasizes the recommendation which I made in my inaugural message as follows:

> "Several of the institutions have made requests for new buildings and others have requested that repairs be made to buildings already erected. These are matters that should receive your careful and serious consideration. I recommend for your consideration the establishment of a State agency, probably within the Budget Department, where experienced personnel would have charge of the erection of new buildings and the repairing and remodeling of buildings already erected. In this way, institutions which are in need of new buildings or which have buildings in need of repair will be able to have this done and the unneeded construction of buildings will be prevented. It will also stop the practice of institutions coming before you competing with each other for new buildings."

Here we have the situation of each educational institution competing with the others for new buildings.

Each appropriation reads "for the purpose of beginning the construction, equipping and furnishing." In other words, the appropriation is for the period July 1, 1947, and ending June 30, 1948, and it is known in advance that the appropriation is for only the beginning of the construction of the building. The buildings cannot be completed within the fiscal year, neither can they be built for the amount of the appropriation. As an illustration, the educational institutions made requests for buildings from the Post War Reserve Fund as follows: Northeast Missouri State Teachers College requested an auditorium and equipment to cost $396,203.00, the appropriation by the General Assembly was for $290,000.00 for the

beginning of the construction, equipping, and furnishing of the auditorium, which means that this institution would be required to request a future General Assembly for an additional appropriation of at least $100,000.00. The Northwest State Teachers College requested an appropriation of $584,000.00 for a Practical and Fine Arts Building and equipment. The General Assembly appropriated for this building $310,000.00, which means that this institution would have to request a future General Assembly for an additional appropriation of at least $274,000.00. Central Missouri State College requested $676,416.00 for a Practical Arts and Applied Science Building and equipment. The General Assembly appropriated $350,000.00 for beginning the construction, equipping, and furnishing of this building, which means that this institution would have to ask a future General Assembly for an additional appropriation of at least $326,000.00 to complete the building. Southeast Missouri State College requested $592,000.00 for a Science Building and equipment. The General Assembly appropriated $310,000.00, which means that this institution would have to ask a future General Assembly for an additional appropriation of at least $282,000.00 to complete the building. Southwest Missouri State College requested $720,000.00 for a Library Building and equipment. The General Assembly appropriated $430,000.00 for the purpose of beginning the construction, equipping, and furnishing of a Library Building, which means that this institution would have to ask a future General Assembly for an additional appropriation of at least $290,000.00.

If these appropriations and other appropriations from the Post War Reserve Fund were approved there would be no funds left in the Post War Reserve Fund because it is over-appropriated, which would mean that additional funds to complete these buildings would have to come from General Revenue. No one knows how long there will be a surplus in the General Revenue Fund, especially if heavy demands continue to be made upon it. I consider it inadvisable and bad business management to embark upon such an extensive building program at this particular time, especially in view of the high cost of materials and labor. There is a need for certain buildings at some of the eleemosynary institutions and the

training schools which I feel are justified and should be constructed, even though the cost of materials and labor is high at this particular time.

I think the General Assembly went on record insofar as authorizing the construction of library buildings, auditoriums, and similar buildings are concerned when the House of Representatives placed an amendment on an appropriation for an office building in Jefferson City, Missouri, to the effect that the construction of said building should not be commenced until after July 1, 1948. The argument in support of the amendment was that on account of the present high cost of materials and labor the office building should not be built until after July 1, 1948. This appropriation was defeated in the Senate. If we should wait until after July 1, 1948, to commence the construction of an office building in Jefferson City, which practically everyone admits is needed, there is all the more reason why we should wait until after July 1, 1948, to build an auditorium or a library building or a science building at the educational institutions.

The Sixty-third General Assembly enacted an appropriation for $5,366,750.00 from the Post War Reserve Fund for the University of Missouri, School of Mines and Metallurgy, Lincoln University, and the five Teachers Colleges for the purpose of building or purchasing or reconstructing buildings for temporary buildings for the students at these different institutions. No funds were used for this purpose last year and the Sixty-fourth General Assembly reappropriated said amount of $5,366,750.00 for the same purpose for the fiscal year July 1, 1947, to June 30, 1948. I have approved this appropriation.

In Section 9.372, I approved the appropriation of $250,000.00 for a Chemical Building for the University of Missouri. The need of a new chemistry building at the University has long been recognized. The Board of Visitors recommended it first in 1929-1930 and an appropriation was requested for it as long ago as 1931-1932. Chemistry is an essential element in the education of many college students. In addition to professional chemists, a number of special groups of students must have chemistry. The Chemistry Department at the University has been over capacity for several years. Because

of this emergency I have approved the appropriation for a Chemistry Building as provided for in line 10 of Section 9.372.

The Board of Visitors which made its recommendation to the Governor and to the members of the Sixty-fourth General Assembly recommended a building program at Missouri University, Lincoln University, Rolla School of Mines and Metallurgy, and the five State Colleges, also the School for the Blind in St. Louis and the School for the Deaf at Fulton. This report which supplemented the report of the Board of Visitors made in 1944 contains a comprehensive study and survey of the needs of the educational institutions of this State. This Board of Visitors, among other recommendations, stated: "Unless other funds are available, we unreservedly recommend that a bond issue proposal be submitted to the people of the State of Missouri for the accomplishment of this purpose." It is my opinion that when the cost of materials and labor become more stable that the General Assembly should seriously consider recommending to the citizens of Missouri a bond issue for the construction of the buildings at the different educational institutions as outlined in the report of the Board of Visitors. However, I do not believe it is advisable or good business at this time to embark upon an extensive building program at these institutions, especially when it is uncertain where the funds are to come from to complete the program. I appreciate the fact that whenever a reserve fund is built up that the natural inclination is to try to get a part of it but, as stated in my inaugural message, "It is going to require hardheaded resistance to pressure groups by both the General Assembly and the Governor in order that this surplus be judiciously spent. . . ."

VIII.

Section 9.380. In lines 7 and 8 of Section 9.380, one new cottage, complete with furnishings and equipment, $148,000.00. I hereby veto and do not allow $23,000.00 of this amount, leaving in effect the sum of $125,000.00. It is my information that this cottage can be constructed well within the amount of $125,000.00.

In line 10 the appropriation for a greenhouse is in the sum of $5600.00. I hereby veto $3100.00 of said amount, leaving in effect $2500.00 for a greenhouse. It is my information

that the sum of $2500.00 is more than adequate to provide a greenhouse at this institution.

In line 12 the appropriation for a laying house, $2,000.00, is vetoed and not allowed. It is my information that a laying house has been built from the appropriation of the 1946-1947 fiscal year and there is no need at this time for this building.

The other items in Section 9.380 are approved.

IX.

Section 9.381. I have vetoed and not allowed the sum of $340,000.00 of the appropriation of $700,000.00 for nine cottages in line 7 of said section, leaving in effect $360,000.00 for nine cottages. In other words, this is on the basis of $40,000.00 for each cottage. The appropriation for the nine cottages is general in its terms and furnishes no definite information. However, it is my information that cottages of adequate dimensions and capacity can be constructed for not to exceed $40,000.00 each.

In line 8, of said section, I have vetoed the sum of $20,000.00 of the $70,000.00 for one staff cottage, leaving in effect the sum of $50,000.00 which I hereby approve for one staff cottage.

In line 9, of said section, I have vetoed and not allowed the sum of $90,000.00 for a Vocational Building. There are other buildings at the Training School for Boys at Boonville which can be utilized for vocational purposes. The present building known as A Company building can be repaired for approximately $3,000.00 and used for additional commissary space. There is a large room upstairs in this building which can be used for a vocational shop. The present building known as C Company building, which is a large building, can be repaired, remodeled, and fireproofed for a vocational building housing six or eight vocational units at an estimated cost of $20,000.00. To my knowledge no provision has been made in the present program for the repair or remodeling of these buildings. Before other new buildings are constructed and large appropriations authorized the above mentioned buildings should be utilized for some purpose.

Line 10, I have approved the appropriation of $200,000.00 for an Education Building.

Line 11, I have vetoed and not approved the appropriation of $40,000.00 for a Chapel Building. There is a division of opinion as to what should be done with the present chapel building. There are those who suggest that it be razed. The Director of Public Buildings states that the present building can be repaired for use for approximately $6,250.00. It is being used at the present time and has been for the past two years. It is my opinion that a competent engineer should appraise this building and report the result of his appraisal before we authorize its destruction and the expenditure of $40,000.00 for a new Chapel Building. It is my information that the proposed new chapel building will accommodate two hundred persons. The present enrollment at the Training School is 354. The present chapel building has four hundred chairs and five hundred persons can be seated in it. Also, the new Education Building, in line 10 which I have approved, will have an auditorium with a seating capacity of five hundred. The present gymnasium will seat several hundred.

In line 12, I have vetoed and not allowed the sum of $40,000.00 for a Garage Building. In the first place this is too much money for a garage building. Secondly, I think it should be ascertained whether or not the present garage building can be repaired and used (my information is that it can be for a nominal amount), also whether or not an addition can be built to the present garage building, if additional space is needed.

In line 13, power plant and equipment $200,000.00, I have approved $120,000.00 of this item and vetoed and not allowed $80,000.00, leaving in effect $120,000.00. One Hundred Ten Thousand Dollars of the amount approved is for new generators and boilers and $10,000.00 is for the repair of the present power plant building. The boilers are in a building that needs some repair. The generators are in a building that needs practically no repair. The Director of Public Buildings states that the repairs for the power plant can be made for less than $10,000.00.

In line 14, equipment for above named buildings, $105,000.00, I have vetoed and not allowed $45,000.00 of this amount, leaving in effect $60,000.00 which amount I hereby approve. In view of the fact that the garage, chapel, and vocational buildings are deleted from this bill the appropria-

tion for equipment for the remaining buildings is therefore reduced to $60,000.00.

In lines 15, 16, and 17, repairs and equipment for present buildings, including razing the chapel, tailor shop, and boiler house, $55,000.00. For the reasons heretofore stated, I do not approve the razing of the chapel and boiler house. I have no way of knowing how much of the appropriation of $55,000.00 was included for razing the chapel and boiler house. However, I am deducting the sum of $2,000.00 from said amount for said purpose, leaving in effect $53,000.00 for the repairs of the present building and for equipment for the present buildings. I realize that the buildings at this institution are in need of repairs and also in need of equipment and I am approving the greater part of this appropriation for that purpose.

X.

Section 9.394. I have not approved the appropriation of $2,000.00 in Section 9.394 for the Missouri Commission on Interstate Cooperation for the reason that I am approving Section 8.030 in House Bill No. 177 which appropriates $5,000.00 for this same Commission. The sum of $5,000.00 was appropriated for the biennium 1943-1944 but only $1,263.76 was expended from this amount. In 1945 the sum of $5,000.00 was appropriated from which the sum of $1,261.56 was expended. It is my opinion that the appropriation of $5,000.00 as provided in Section 8.030 of House Bill No. 177 is adequate for the Missouri Commission on Interstate Cooperation for the year July 1, 1947, to June 30, 1948, therefore, the item of $2,000.00 in Section 9.394 is vetoed.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JULY 1, 1947

From the Journal of the House of Representatives, pp. 1382-1383

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 1, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 173, entitled:

"AN ACT

"To appropriate money to pay the salaries, wages, and per diem and other expenses of the Civil Officers and employees and of other departments and agencies of the State Government as follows: the Executive Officers, the Secretary of State, the State Auditor, the State Treasurer, the Attorney-General, Supreme Court, St. Louis Court of Appeals, Kansas City Court of Appeals, Springfield Court of Appeals, Circuit and Common Pleas Court Judges, Special Judges, the Judicial Conference, Magistrates, the Department of Business and Administration, the Department of Conservation, the Highway Department, the Department of Labor and Industrial Relations, the Department of Agriculture, the State Highway Patrol, the Supervisor of Liquor Control, the Adjutant-General, the Missouri Military Forces, the State Service Officer, and Missouri's participation in the Council of State Governments; for the period beginning July 1, 1947, and ending June 30, 1948."

and append to said bill, at the time of signing it, the following statement of items, or portions of items, to which I object, which items and portions of items are returned without my approval, for the reasons herein below stated which said reasons accompany said bill and are my objections to said items and portions of items.

I.

Section 4.010. I have vetoed and not allowed $5,000.00 of the $20,000.00 appropriation for Additions, Repairs, and Replacements in line 62a on page 3 of this section, leaving $15,000.00 in effect for Additions, Repairs, and Replacements.

Fifteen Thousand Dollars is the amount that was originally requested in the budget for the ordinary Additions, Repairs, and Replacements item and is the amount that was approved by the House of Representatives.

In view of the fact that it has been several years since the interior of the Mansion has been decorated, and the further fact that the installation of an elevator has been recommended, certain members of the Appropriations Committee of the Senate requested information as to the approximate cost for such interior decoration, for certain repairs and the installation of an elevator. An estimate of the cost was furnished to the committee and the committee recommended that the item of Additions, Repairs, and Replacements be increased to $39,000.00. This increase was adopted by the Senate. However, the conference committee reduced the amount from $39,000.00 to $20,000.00, which was only $5,000.00 more than the original budget request, which did not include these extra items.

As the interior decoration, certain repairs, and the installation of an elevator cannot be done for $5,000.00 said item is vetoed and not allowed, leaving in effect $15,000.00.

II.

Section 4.170. That part of said section on page 32, lines 17 to 23, including the sum of $33,725.00 is vetoed and not allowed. Also, on page 33 of said section, lines 46 to 56, inclusive, including the sum of $200,000.00 is vetoed and not allowed for the reason that the above items of compensation, salaries, and expense are included in Section 9.383, page 35 of House Bill No. 445 in the sum of $250,000.00, which amount I have approved. Therefore, said sum of $33,725.00 and $200,000.00 in said Section 4.170 is a duplication and, therefore, not allowed.

III.

Section 4.290. I hereby veto and do not approve $82,000.00 of the appropriation of $150,000.00 in line 29, page 49,

Section 4.290, leaving in effect $68,000.00 for repairs and replacements; $68,000.00 is the amount requested in the budget for this item and no explanation has been given why a larger amount should be appropriated.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JULY 9, 1947

From the Journal of the House of Representatives, pp. 1396-1397

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 9, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, House Bill No. 363, entitled:

"AN ACT

"To authorize and direct the Division of Public Buildings of the Department of Revenue to establish a cafeteria for state employees; and providing that the Director of the said Division of Public Buildings shall have control and management of said cafeteria."

House Bill No. 363 was enacted for the purpose of establishing a cafeteria in the basement or first floor of the State Capitol Building. At the present time there is no space available on the first floor of the Capitol Building for a cafeteria. In my opinion the basement of the Capitol Building is not a proper place for a cafeteria. House Bill No. 363 authorizes the Division of Public Buildings of the Department of Revenue to establish and provide the necessary facilities for a cafeteria restaurant in the basement or first floor of the State

Capitol Building. The bill then provides that the Director of the Division of Public Buildings shall have control and management of the cafeteria. It is my opinion the control and management of the cafeteria, if one is established, should be vested in the Board of Public Buildings, Division of Public Buildings of the Department of Revenue for the reason that the Board of Public Buildings has the general supervision and charge of the Capitol Building. The bill then provides that the Director of the Division of Public Buildings may, subject to the approval of the Committee on Accounts of the Senate and the Committee on Accounts of the House, lease the facilities as a concession. The Board of Public Buildings having the general supervision and charge of the Capitol Building also should have the authority to execute leases for concessions if concessions are to be permitted in the Capitol Building. It is my opinion that the provisions of House Bill No. 363 are not only unworkable but they conflict with the general authority of the Board of Public Buildings which has general supervision and charge of the State Capitol Building.

I think Section 2 of the bill is too restricted. It states:

"Section 2. The said cafeteria shall be for the use and convenience of the employees of the State of Missouri, including the General Assembly and its employees."

For the above reasons I cannot approve this bill.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JULY 11, 1947

From the Journal of the House of Representatives, pp. 1399-1400

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 11, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, House Bill No. 181, entitled:

"AN ACT

"To amend Section 10366 of an Act of the 62nd General Assembly found in Laws of Missouri, 1943, pages 893 to 896, both inclusive, relating to School Moneys and How Applied, the Form of Warrants to be Used and the Funds upon which they shall be drawn, 'by striking out of line 133 between the words "disincorporated" and the "," the words "by state or federal agencies" and' by inserting after the period in line 138 and before the word 'No' in line 139 the following: 'When any real or personal property remains in any such disincorporated district the county court shall appoint some competent person to act as trustee for the school district so disincorporated, who shall sell any property belonging to such disincorporated school district. The county court may allow a reasonable fee not to exceed three per cent of the proceeds of any such sale. The remaining proceeds shall be placed in the county treasury and distributed in the same manner as other funds belonging to the disincorporated school district.' "

House Bill No. 181 seeks to amend Section 10366 of an act of the Sixty-second General Assembly, found in Laws of Missouri, 1943, pages 893 to 896, inclusive, the part amended appearing on page 896.

Said amendment is by striking out certain words and also by inserting certain words. Section 28, Article III of the 1945 Constitution provides:

> ". . . No act shall be amended by providing that words be stricken out or inserted, but the words to be stricken out, or the words to be inserted, or the words to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended."

The courts have strictly construed the above provision of the Constitution.

In Section 1, page 2, line 5, after the word "drawn" and before the word "be" the following words appearing in the title are omitted, to-wit:

> "by striking out of line 133 between the words 'disincorporated' and the ',' the words 'by state or federal agencies.' "

However, said words "by state or federal agencies" are properly stricken out of Section 10366 of House Bill No. 181.

On page 3, line 44, after the word "sum" the word "of" should be inserted because it appears in Section 10366 of the act found in Laws of Missouri, 1943, at page 896.

However, there is an error in House Bill No. 181 which I consider vital. In lines 133 and 134 of Section 10366 of Laws of Missouri, 1943, on page 896, it refers to "the treasurer for the school district." House Bill No. 181, page 6, line 143, refers to "the treasurer of the county." No reference to such change is made in the title or in Section 1 of said bill and as House Bill No. 181 is an act to amend Section 10366 and not to repeal and reenact, the particular words that are stricken out and those that are stricken out and inserted in lieu thereof must be specifically stated in the title. No reference is made in the title to the words "the treasurer for the school district" or to the words "the treasurer of the county." The use of the words "the treasurer of the county" is not only erroneous but is not within the scope of the amendment set forth in the title.

On page 6, line 139, the word "are" appears before the word "levied." In the original section in Laws of Missouri, 1943, at page 896, this is "were levied." Said change of "were" to "are" is not referred to in the title.

On page 6, line 145, the word "balance" is "balances" in Section 10366 of the act found in Laws of Missouri, 1943, at page 896.

Because of the above errors this bill is vetoed and not approved.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JULY 11, 1947

From the Journal of the House of Representatives, pp. 1403-1404

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 11, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, House Bill No. 290, entitled:

"AN ACT

"To repeal Sections 9387 to 9395, both inclusive, being all of Article 6, Chapter 51 of the Revised Statutes of Missouri, 1939, relating to the Missouri State School for feeble-minded and epileptic, and to enact in lieu thereof eight new sections relating to the same subject to be known as Sections 9387, 9388, 9389, 9390, 9391, 9392, 9393 and 9394."

Section 9392, page 4, lines 2 and 3, refer to the Director of the Division of Mental Hygiene. This same reference is made in Section 9393, lines 2 and 3; also, in Section 9393, line 15.

In view of the fact there is no Director of the Division of Mental Hygiene because House Bill No. 332 creating the Division of Mental Hygiene was not passed by the Senate, there is no authority of law authorizing a Division of Mental Hygiene. Said House Bill No. 332 was pending on the third reading calendar of the Senate at the time of its recess on June 12, 1947. As House Bill No. 332 created and established the Division of Mental Hygiene, it is the key bill. Therefore, House Bill No. 290 would be ineffective without the enactment of House Bill No. 332.

In re-writing House Bill No. 290 I suggest that Section 9387, Revised Statutes of Missouri, 1939, be included in the bill for the reason that it is the section establishing the institution known as the Missouri State School. Also, in re-writing House Bill No. 290 in Section 9387, page 2, line 14, the word "substantially" should be "substantial." I also call attention to the fact that if the Missouri State School No. 2 at Carrollton is to be used in connection with and as a part of the Missouri State School at Marshall that reference to the administration of the Missouri State School No. 2 at Carrollton should be included in this bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JULY 11, 1947

From the Journal of the House of Representatives, p. 1404

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 11, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, House Bill No. 291, entitled:

"AN ACT

"To repeal Sections 9634 and 9635 of an act of the 61st General Assembly known as House Bill No. 456, approved July 30, 1941, and found in Laws of Missouri, 1941, Page 320, relating to transfer of management and property of the state home for children at Carrollton to the management of the Missouri State School at Marshall."

House Bill No. 291 repeals Sections 9634 and 9635 of an act of the Sixty-first General Assembly found in Laws of Missouri, 1941, at page 320.

In view of the fact that Section 9634 of the act of the Sixty-first General Assembly found in Laws of Missouri, 1941, at page 320, establishes the institution at Carrollton, Missouri, known as Missouri State School No. 2, and which is used in connection with and as a part of the Missouri State School at Marshall, Missouri, as a colony for the feeble-minded and epileptic in accordance with the provisions of Article 6, of Chapter 51, Revised Statutes of Missouri, 1939, I do not believe that said Section 9634 should be repealed.

Therefore, I have vetoed and do not approve House Bill No. 291.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JULY 11, 1947

From the Journal of the House of Representatives, p. 1405

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 11, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, House Bill No. 296, entitled:

"AN ACT

"To repeal Sections 26 to 30, both inclusive, of an act of the 63rd General Assembly, known as Senate Bill No. 349, approved May 3, 1946, relating to the powers and duties of the division of mental diseases of the department of public health and welfare and the management and control over the state hospitals and state schools, and to enact in lieu thereof five new sections, relating to the same subject, to be known as Sections 26, 27, 28, 29 and 30."

House Bill No. 296 refers to the Division of Mental Hygiene of the Department of Public Health and Welfare in a number of places in the bill. There is no Division of Mental Hygiene of the Department of Public Health and Welfare.

House Bill No. 332 of the Sixty-fourth General Assembly seeks to amend an act of the Sixty-third General Assembly, creating and establishing as a department of State government a Department of Public Health and Welfare composed of three divisions, one of which was the Division of Mental Hygiene. House Bill No. 332 passed the House but was on the calendar for third reading in the Senate at the time the Senate recessed, June 12, 1947.

In view of the fact that the Division of Mental Hygiene, as provided for in House Bill No. 332, has not been created and there is no authority of law for a Division of Mental Hygiene, House Bill No. 296 will have to be vetoed.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JULY 23, 1947

From the Journal of the House of Representatives, pp. 1524-1525

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 23, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, House Bill No. 260, entitled:

"AN ACT

"To amend Section 12098, Revised Statutes of Missouri, 1939, by striking therefrom in Line 43 thereof the word 'five' and by substituting in lieu thereof at the same place the word 'seven,' and to amend Section 12145, Revised Statutes of Missouri, 1939, by striking therefrom after the comma on the sixth line the words 'and if the ballots and the poll lists still do not agree after such rejection, they shall reject all ballots not numbered as required by this article, and no ballot not numbered shall be counted,' both relating to and providing for the registration of voters and holding of elections in all cities of 300,000 to 700,000 inhabitants."

There are several errors in this bill which make it necessary to veto it. The title of this bill states that it is to amend Section 12098, Revised Statutes of Missouri, 1939, by striking out the word "five" and inserting in lieu thereof the word "seven" and to amend Section 12145 by striking out certain words.

In view of the fact that this act is to amend and not to repeal and reenact, I call attention to Section 28, Article III of the 1945 Constitution, which provides:

". . . No act shall be amended by providing that words be stricken out or inserted, but the words to be stricken out, or the words to be inserted, or the words

> to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended."

The courts have strictly construed this provision of the Constitution. Therefore, only those changes referred to in the title can be made in re-writing the sections in the bill.

The first error appears in the title, line 10, the word "so" is omitted between the word "not" and the word "numbered." In other words, in Section 12145 of the 1939 Statutes it reads "and if the ballots and the poll lists still do not agree after such rejection, they shall reject all ballots not numbered as required by this article, and no ballot not so numbered shall be counted." (Underscoring mine.)

In Section 1, page 1, in referring to the words stricken out of Section 12145 a part of the words to be stricken out are omitted. In other words, in Section 1, lines 6 to 9, it states:

> "and if the ballots and the poll lists still do not agree after such rejection, they shall reject all ballots not numbered as required by this article."

The words "and no ballot not numbered shall be counted" should follow the word "article." Of course, as stated, the word "so" is omitted from that part.

In Section 12098, line 5, are the words "equally divided," while in Section 12098 of the 1939 Statutes it states "divided equally," that is, the words are transposed.

In Section 12098, line 16, the word "elect" appears in this line while in Section 12098 of the 1939 Statutes it is "direct." In other words, the present section of the Statutes reads: "and to do and perform any and all acts which the said board or any two members thereof shall direct." The word "elect" does not appear in the title and has an altogether different meaning from the word "direct."

Also, in line 22 of said section, the word "persons" is used, while the statutes uses the word "person." Then following the word "persons" in line 22 or at the beginning of line 23, there should be the word "so," which word is in the 1939 Statutes but is omitted in copying this bill.

In Section 12145, in line 1, it is "elections," while in Section 12145 of the 1939 Statutes it is "election." In line 2 of said section it is "box*es*," while in the Statutes it is "box."

When you undertake to amend a section by striking out certain words and inserting other words in lieu thereof or amend by striking out certain words you are limited and restricted to the words stricken out and inserted or the words stricken out.

For these reasons I have not approved this bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JULY 25, 1947

From the Journal of the House of Representatives, pp. 1527-1528

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 25, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 283, entitled:

"AN ACT

"To appropriate money out of the Post War Reserve Fund for the repairing of present buildings, for the constructing and equipping of new buildings and for the acquisition of land at State Hospital No. 1, Fulton; State Hospital No. 2, St. Joseph; State Hospital No. 3, Nevada; State Hospital No. 4, Farmington; Missouri State Schools, Marshall and Carrollton, and the Missouri State Sanatorium, Mt. Vernon, for the period beginning July 1, 1947, and ending June 30, 1948."

and append to said bill, at the time of signing it, the following statement of the item to which I object, which item is returned without my approval, for the reasons herein stated, which said reasons accompany said bill and are my objections to said item.

I.

Section 2. The appropriation of $1,500,000.00 for a hospital building at the Missouri State Sanatorium, Mt. Vernon, Missouri, set forth in Section 2 of House Bill No. 283 is vetoed and not approved.

There have been no plans, specifications, or estimates prepared or submitted for the construction of this proposed new hospital building.

There are several reasons why it would not be advisable to build a new hospital unit at the Missouri State Sanatorium at Mt. Vernon at this time.

Statistics show that a much larger percentage of tubercular patients come from the southeastern part of the State than from any other. It is the opinion of those in charge of the State Department of Public Health and Welfare that, considering the present rate of curing tubercular cases, we will reach a point in the next few years where the need for additional beds should gradually decrease rather than increase. That there would be a distinct advantage to the State at this time if there were an appropriation for the construction of a hospital unit in the southeastern part of the State, constructed on a pattern which would permit its use during the next few years for tubercular patients, but which could later be devoted to general hospital uses if necessary. With the new hospital construction program, in which the Federal government cooperates with the states on a matching basis, the institutions serving only tubercular patients should be relieved somewhat because one of the requirements of the Federal government is that general hospitals built under this program shall be equipped to handle all kinds of cases, including tuberculosis. There would be no particular loss to the State in locating such a hospital unit in the southeastern part of the State from an administrative standpoint, because even if another unit were built at Mt. Vernon practically the only thing that could be utilized from their present equipment would be the X-ray

apparatus. I am advised that the present sewage and water facilities at the Mt. Vernon Sanatorium would not be adequate to carry an additional hospital unit at that institution; also, that the Sanatorium at Mt. Vernon has about reached the point of maximum efficiency from the standpoint of size.

If there should develop an increased demand for the treatment of tuberculosis victims as a result of the mobile X-ray units now in operation, there is no reason why the appropriation for a new hospital unit should not be used in that part of the State where the majority of the new cases are discovered.

On account of the importance of this subject, the number of questions involved, and the amount of funds proposed to be spent, I think this matter should be given further consideration.

The appropriation provided for in Section 1 of House Bill No. 283 for the Sanatorium at Mt. Vernon for additions, repairs, and replacements should provide more beds than there are at present at this institution and greatly improve the present institution.

II.

Section 7. I am approving the items in Section 7 of House Bill No. 283. However, it is my opinion that the appropriation for the construction of buildings at the State School at Marshall is inadequate. There are 730 on the waiting list at the present time. The appropriation provided for in Section 7 will accommodate only about sixty per cent of those now awaiting admission to this institution.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JULY 25, 1947

From the Journal of the House of Representatives, pp. 1529-1531

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 25, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, House Bill No. 123, entitled:

"AN ACT

"To repeal Articles 2, 3, and 4 of Chapter 48 consisting of Sections 8993 to 9033, both inclusive, of the Revised Statutes of Missouri, 1939, relating to the control and regulation of the Missouri Training School for Boys, the State Industrial Home for Girls, and the State Industrial Home for Negro Girls, and to enact in lieu thereof twenty new sections, to be known as Sections 8993 to 9012, relating to the same subject and providing for the control and regulation of the State training schools for boys and girls, providing for payment for the support of children in said training schools, authorizing commitments of children to the State Board of Training Schools, prescribing the powers of such board and prescribing penalties for violations of this act."

House Bill No. 123 is one of a series of bills recommended by the Missouri Children's Code Commission.

The general subject of the treatment and correction of delinquent minors and the jurisdiction of the juvenile courts in Missouri are set out in Sections 9673 to 9718 inclusive, Articles 9 and 10, Chapter 56, Revised Statutes of Missouri, 1939. The repeal of the above sections in Articles 9 and 10 and the enactment of new sections relating to the same subject matter was introduced as House Bill No. 122 in the Sixty-fourth General Assembly on February 12, 1947, along with

House Bill No. 123 and undoubtedly were considered as companion bills. These two bills attempted to provide a complete scheme for the care, protection, discipline, and punishment of minors within the meaning of said acts, who are delinquent or are charged with a crime. House Bill No. 122 failed of perfection in the House of Representatives in April, 1947. A number of other bills recommended by the Missouri Children's Code Commission also failed of passage.

House Bill No. 123, which was passed, repeals Sections 8993 to 9033, inclusive, being Articles 2, 3, and 4 of Chapter 48, Revised Statutes of Missouri, 1939. Among the sections repealed are Sections 8998, 9011, and 9025, Revised Statutes of Missouri, 1939.

Section 8998, Revised Statutes of Missouri, 1939, provides that any person under the age of seventeen convicted of a crime, which if committed by persons over the age of seventeen years is punishable by imprisonment in the Penitentiary for a term of not less than ten years, may be punished in the same manner as provided for the punishment of persons over the age of seventeen, or if a boy, he may be imprisoned in the Penitentiary or committed to the Missouri Training School for Boys; and that any boy under the age of seventeen convicted of any other felony, may be committed to the Missouri Training School for Boys, and that any boy under the age of seventeen years convicted of a misdemeanor may be committed to the Missouri Training School for Boys. Said section also prohibits the punishment of such a boy by imprisonment in the county jail.

Section 9011, Revised Statutes of Missouri, 1939, provides that every girl over the age of twelve and under the age of twenty-one convicted of any offense not punishable with imprisonment for life, may be sentenced to the Industrial Home for Girls until she reaches the age of twenty-one years. Girls under the age of twelve may be placed under the control of the State Social Security Commission. In this connection I might add that Senate Bill No. 349 of the Sixty-third General Assembly, Section 31, lines 1 to 11, inclusive, provides in substance that all powers and duties heretofore under the control and administration of the State Social Security Commission shall hereafter be under the control and administration of the

Department of Public Health and Welfare. However, if Section 9011 is repealed by House Bill No. 123 then there would be no law governing the placing of girls under the age of twelve years under the control and jurisdiction of the Department of Public Health and Welfare, if they were found guilty of violating the provisions of Section 9011, because such authority would be taken away by the repeal of Section 9011. Nor would such girls be committed to the State Board of Training Schools because Section 8994 of House Bill No. 123, lines 7 to 10, inclusive, specifically states:

> "The following persons shall not be committed to such board: (1) any child whom the court finds to be in need of parental care in a family home; . . ."

Section 9025 provides that every Negro girl over the age of ten and under the age of twenty-one years, convicted of any offense not punishable with imprisonment for life, may be sentenced to the Industrial Home for Negro Girls until she reaches the age of twenty-one years.

These are the only sections specifically authorizing the commitment for crime of boys under the age of seventeen years, white girls over the age of twelve and under the age of twenty-one and Negro girls over the age of ten and under the age of twenty-one, to the various training schools, although Section 9700, Revised Statutes of Missouri, 1939, which has not been repealed, would still authorize the judge of any court having jurisdiction of delinquent children to cause such children to be tried under the general law. In other words, if House Bill No. 123 were approved and became a law there would be no specific provision authorizing the commitment of minors convicted of a crime to the various training schools. It may be that minors tried and convicted of a crime could be sent to the Penitentiary or to the Intermediate Reformatory at Algoa under the general law, since Section 9700, Revised Statutes of Missouri, 1939, provides that they may be tried under the general law. However, it is doubtful if a court would have authority to commit such minors to the various training schools in view of the repeal of the above mentioned sections by House Bill No. 123. If courts do have a right to commit minors, who are charged and convicted of a crime,

to the training schools it would be by virtue of Section 8994 of House Bill No. 123 and solely by virtue of the use of the words "Circuit Court" in said section, and then only by implication, since only a Circuit Court could have jurisdiction of such minors when they are charged and convicted of a crime.

Reference is made in Section 8994, page 2, House Bill No. 123, lines 4 and 5, of a boy or girl who is found by the juvenile or circuit court to be "in need of residential training school education and discipline." No definition is given in House Bill No. 123 of these words. However, I assume that the use of this language is an attempt to remove any implication from the classification of our institutions for juvenile delinquents as penal or correctional institutions.

Suppose minors are convicted of a crime and committed to the State Board of Training Schools. Such commitment under House Bill No. 123 would be for an undeterminate period of time. In view of the provisions of Senate Committee Substitute for Senate Bill No. 347 of the Sixty-third General Assembly, the Board of Training Schools probably is authorized to release on parole juveniles committed to the institutions under its control. However, Section 8996 of House Bill No. 123, authorizes the Board of Training Schools with the approval of the Director of the State Department of Corrections, to transfer any person who has been convicted of a crime and committed to its custody, and who has reached the age of eighteen years, to any State adult correctional institution. If such person were committed for an indeterminate period of time and later transferred to the Penitentiary or to the Intermediate Reformatory at Algoa, after reaching the age of eighteen years, how long would such person have to serve and what board or person would determine when such sentence should be terminated? The inmates at the Intermediate Reformatory at Algoa and the Penitentiary serve definite terms and not indeterminate terms and the Statutes provide a procedure for their release. House Bill No. 123 does not provide for such release.

Section 8994 of House Bill No. 123, if it can be construed to apply to commitments for crimes, only authorizes the sentencing of a boy over the age of twelve and under the age of eighteen and does not provide for sentencing boys twelve or

under as does the present law. Neither would such section authorize the sentencing of girls twelve years and under to the training schools who have been convicted of a crime. Neither could children found guilty of delinquency be sentenced to such training schools who are twelve years or under.

Section 9025, which is repealed by House Bill No. 123, provides for the commitment of Negro girls over the age of ten.

Other conflicts could be mentioned which would arise if House Bill No. 123 were approved. I believe that if House Bill No. 123 were enacted into law that it would cause confusion and doubt. I believe there would be conflicting interpretations by the various circuit courts and juvenile courts in dealing with girl minors under twenty-one and boy minors under seventeen. I believe the law should be clear and specific with reference to the commitment of minors who are charged and convicted of a crime or who are found delinquent and that such commitments should not be left to doubt or implication.

The Children's Code Commission submitted a number of bills to the Sixty-fourth General Assembly and, no doubt, intended to provide a complete scheme for the discipline and punishment of minors under the age of twenty-one years, but it is my opinion that House Bill No. 123 standing alone without the support of other bills sponsored by the Children's Code Commission would cause too much conflict and confusion if it were enacted into law. Therefore, said bill is not approved.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

APRIL 17, 1948

From the Journal of the Senate, pp. 2073-2076

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 17, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I return herewith to you, with my veto and without my approval, Senate Bill No. 43, entitled:

"AN ACT

"To provide for the compulsory attendance of witnesses in criminal proceedings pending in courts in this or other states when such witnesses are without this state or without any other state in which such criminal proceedings are being had or conducted."

Lines 1 to 14, inclusive, Section 2, page 2, Senate Bill No. 43, provide in substance that if a judge of a foreign state certifies under the seal of his court that there is a criminal prosecution pending in such court or that a grand jury investigation has commenced, or is about to commence, and that a person within the State of Missouri is a material witness in such prosecution, or grand jury investigation, upon presentation of such certificate to any judge of a court of record in Missouri in the county in which such person is, such judge shall fix a time and place for a hearing and shall make an order directing the witness to appear at a time and place for the hearing.

Lines 15 to 31, inclusive, of Section 2, page 2, provide in substance that the judge in this State may determine whether or not a witness is material and necessary in a cause pending in another state. If such determination is made a summons shall be issued to the witness with a copy of the certificate of the judge of the foreign state attached, directing the witness to attend and testify in the court where the prosecution is pending.

It has long been held by eminent text writers and the courts that the orders and judgments of a foreign court have no validity in a sister state, and that a state court may not compel the attendance in a state court of a witness who resides outside the state. In 70 C. J. at page 42, the test on this subject is stated as follows: "A state court cannot, of course, compel the attendance of a witness who resides out of the state." The Supreme Court of Missouri in the case of State vs. Pagels, 92 Mo. 300, l. c. 308, in speaking of the action of a trial court in refusing a continuance in a criminal case where witnesses resided outside the State and in holding that the denial of the continuance on that ground was not error said, "and the refusal of the continuance involved no denial of a constitutional right. The right to compulsory process for witnesses does not, and cannot, extend to non-resident witnesses."

Another Missouri case holding to the same effect that a State court may not compel a witness from another state to appear in such State court to testify, was the case of State vs. Butler, 67 Mo. 59. This was a criminal case wherein, among other matters discussed by the Court in the case, was the question of the execution of process by one state within the jurisdiction of another state. The Court, l. c. 62 and 63, in holding that the constitutional guaranty of the right to compulsory process for witnesses meant such process could only be executed in the state where process was issued, and where the defendant was being tried, said:

> ". . . As to that provision of the constitution which allows the accused to have compulsory process for witnesses, we discover not the slightest antagonism between that and the statute under consideration. It is of frequent occurrence in ciminal prosecutions, that witnesses are beyond the reach of compulsory process of that jurisdiction where the prisoner is arrested, and yet this is never deemed to be an obstacle in the way of ultimate conviction. If it were, many a felon would escape punishment altogether. That constitutional provision has evident reference to only such process as the State, where the prosecution is had, can execute within her own borders. If the argument that defendant cannot be tried but where he can have compulsory process for his witnesses, be

> sound, then when taken to Kansas to be tried for the original larceny, precisely the same difficulty would be encountered, for on arrival there, the State of Kansas would possess no power to execute criminal process within our borders for defendant's witnesses resident in this State: . . . ."

Numerous other states have announced the same rule and holding. See following cases: State ex rel. Brainard vs. District Court, 243 Pac. 123 (Wyoming). Hey vs. Emerson, 135 S. W. 294 (Kentucky). State ex rel. Coe vs. District Court, 235 Pac. 766 (Montana). Diamond vs. Earle, 105 N. E. 363 (Massachusetts). Redmond vs. State, 59 So. 181 (Alabama). Burns vs. Armine, et al., 131 Pac. (2d) 884 (Kansas).

It is equally well settled that it is beyond the power of the legislature to authorize process to be effective outside the territory of the state. State ex rel. v. Wilder, 196 Mo. 418, l. c. 431.

Only one case is found in the reports holding that a statute authorizing a state court to compel a witness in the state to appear and testify in a criminal trial in an adjoining state has been held constitutional. That is the case of Commonwealth of Massachusetts vs. Klaus, 130 N. Y. S. 713. However, one of the strong reasons for upholding the statute, that due process of law was accorded the witness, was the following statement, l. c. 717, "he must be given notice and an opportunity to be heard before a subpoena can be issued."

Lines 32 to 42, inclusive, Section 2, pages 2 and 3, are as follows:

> "If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearings; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state."

It will be noted that in lines 11 to 14 of Section 2 it is provided that "such judge shall fix a time and place for a hearing and shall make an order directing the witness to appear at a time and place certain for the hearing." Also, it will be noted in lines 15 and 16 of Section 2 that "if at a hearing the judge determines that the witness is material and necessary . . . (Lines 24 to 29) he shall issue a summons with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, etc."

The above provision is in direct conflict with the provisision in lines 32 to 42, inclusive, of Section 2, whereby provision is neither made for notice of hearing nor the issuance of summons. In fact, it is stated in lines 32 to 42, that if said certificate (which means the certificate of the court of record of a foreign state) recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may direct that such witness be forthwith brought before him for hearing without the benefit of notice of such hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery may order that said witness be forthwith taken into custody and delivered to an officer of the requesting state. According to this procedure it is not necessary that the judge determine that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, (and of any other state through which the witness may be required to pass by ordinary course of travel), will give to him protection from arrest and the service of civil and criminal process, but merely that the judge be satisfied of the desirability of such custody and delivery. Neither is it made necessary for a subpoena to be issued.

This is a flagrant and oppressive denial of the rights of the citizen and constitutes a violation of the due process of law clause of the 14th Amendment to the Constitution of the United States, which provides ". . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State

deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws," and it violates Section 10, Article 1 of the Constitution of Missouri which provides "That no person shall be deprived of life, liberty or property without due process of law."

It would be difficult to imagine a more definite denial of the process of the law than is revealed in lines 32 to 37, inclusive, of Section 2 of said bill. In other words, if the certificate of the court of a foreign state recommends that a witness in Missouri be taken into immediate custody and delivered to an officer of the foreign state to assure his attendance in the foreign state, the judge in Missouri may without notice to the witness of a hearing direct that such witness be brought before him for a hearing; and the judge at the hearing being satisfied not that the witness is material and necessary but that the custody and delivery of the witness is desirable, may in lieu of issuing a subpoena or summons, order the witness to be forthwith taken into custody and delivered to an officer of the foreign state. The order directing the witness to appear for a hearing, as is provided for in lines 12 to 14, inclusive, of Section 2, is brushed aside by the certificate of a judge of a foreign state saying that a citizen of this state should be taken forthwith into personal custody and delivered to an officer of a foreign state. The witness is thereby denied the right of notice of a hearing which may result in the removal from the state of a citizen to undergo the hazards of any eventuality that might transpire in his sojourn in the foreign state. Under these circumstances the witness would certainly be taken into manual custody against his will without a hearing and taken to a foreign state to testify in a proceeding in that state. I cannot believe that the courts of Missouri would uphold the validity of a statute of that kind.

There was a strong dissenting opinion in the above case of Commonwealth of Massachusetts vs. Klaus.

I think Senate Bill No. 43 is much broader than the statute referred to in the case of Commonwealth of Massachusetts vs. Klaus.

In Senate Bill No. 43, as above stated, the citizen witness may be denied a notice and hearing altogether, according to the certificate of the judge of a foreign state court, or the order

of a judge of a court of record in this state and the witness may be taken into custody and delivered to the officer of the requesting state to assure his attendance in the requesting state.

It is my opinion that Senate Bill No. 43 is not only invalid and unconstitutional but that it is bad in principle and precedent.

For the above reasons I have vetoed Senate Bill No. 43.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MAY 26, 1948

From the Journal of the House of Representatives, pp. 2159-2161

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 26, 1948.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Bill No. 451, entitled:

"AN ACT

"To appropriate money to pay the salaries, wages and per diem of the officers and employees, etc., of the State Department of Corrections, including the State Penitentiary, the Intermediate Reformatory at Algoa, the Training School for Boys, the Training School for Girls, the Training School for Negro Girls, and the Board of Probation and Parole; the Eleemosynary Institutions of the State; and the pay of charity patients at county hospitals, for the period beginning July 1, 1948, and ending June 30, 1949."

and append to said bill, at the time of signing it, the following statement of items, or portions of items, to which I object, which items and portions of items are returned without my approval, for the reasons herein below stated which said reasons accompany said bill and are my objections to said items and portions of items.

The following items are vetoed and not approved: Page 12, Section 5.050, lines 91 to 111, inclusive:

"For the Training School for Boys, payable out of that part of the General Revenue set apart for the free public schools of Missouri, as follows:

A. Personal Service:

For salaries, wages and per diem of the educational director, principals, teachers and instructors.. $5,000.00

B. & C. Additions, Repairs and Replacements:

For the original purchase of and the repair and replacement of books, educational, scientific, vocational and recreational equipment..... $5,000.00

D. Operation:

For the general expenses of the education program of the school, including educational, scientific, vocational and recreational supplies, and all other necessary current operating expenses, exclusive of building maintenance..... $7,500.00

Total.....$17,500.00"

Pages 15 and 16, Section 5.060, lines 74 to 90, inclusive:

"For the Training School for Girls, payable out of that part of the General Revenue set apart for the free public schools of Missouri, as follows:

B. & C. Additions, Repairs and Replacements:

For the original purchase of and the repair and replacement of books, educational, scientific, vocational and recreational equipment..... $1,500.00

D. Operation:

For the general expenses of the education program of the school, including educational, scientific, vocational and recreational supplies, and all other necessary current operating expenses, exclusive of building maintenance..... $3,000.00

Total..... $4,500.00"

Page 19, Section 5.070, lines 61 to 77, inclusive:

"For the Training School for Negro Girls, payable out of that part of the General Revenue set apart for the free public schools of Missouri, as follows:

B. & C. Additions, Repairs and Replacements:

For the original purchase of and the repair and replacement of books, educational, scientific, vocational and recreational equipment..... $1,000.00

D. Operation:

For the general expenses of the education program of the school, including educational, scientific, vocational and recreational supplies, and all other necessary current operating expenses, exclusive of building maintenance.... $500.00

Total..... $1,500.00"

It will be noted that in each of the above sections the appropriation is "payable out of that part of the General Revenue set apart for the free public schools of Missouri."

Section 3 (b), Article IX of the 1945 Constitution of Missouri provides that if the public school fund shall be insufficient to sustain free schools for at least eight months in every year in each school district of the state, the General Assembly may provide for such deficiency.

Section 10323, Revised Statutes of Missouri, 1939, contains a definition of "public schools" and classifies the public schools as common, consolidated, town and city school districts. This definition has been modified by the General Assembly only in Section 10845, Laws of Missouri, 1945, page 1689,

which provides that the Missouri School for the Blind and Missouri School for the Deaf are to be included and to be a part of the section of Special Education within the Division of Public Schools.

The General Assembly has not changed Section 10323 since the adoption of the 1945 Constitution and it is my opinion that the definition of "public schools" in said section does not include the State training schools.

Section 10454, Laws of Missouri, 1945, page 1704, provides for the distribution of State funds to the school districts of the State which are required to maintain a public school or schools, for at least eight months in each school year. Such districts are entitled to equalization quotas and I believe that such section could not in any way authorize the State training schools to share in such program, since such schools are not under a district board of directors and they do not levy a tax for the support of such schools.

It should be borne in mind that the training schools take only children who are sent to them because of some violation of the law or because of their being delinquent. They do have an opportunity to go to school while there but they are not sent to such schools for education alone. They are sent to such schools by an order of court.

For the above reasons I do not believe that the appropriations in lines 91 to 111, page 12, Section 5.050, lines 74 to 90, pages 15 and 16, Section 5.060 and lines 61 to 77, page 19, Section 5.070, should be paid out of that part of the General Revenue set apart for the free public schools of Missouri and, therefore, said items are vetoed and not approved.

The remaining items in said sections and the remaining sections of said House Bill No. 451 are hereby approved.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MAY 28, 1948

From the Journal of the Senate, pp. 2125-2126

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

MAY 28, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, Senate Bill No. 90, entitled:

"AN ACT

"To provide for the compromise and settlement of inheritance or death tax claims of this and other states upon the estate of a decedent in cases of controversy between such states over the domicile of said decedent, and to provide for the arbitration of controversies between this and other states involving the domicile of a decedent for the purpose of establishing inheritance tax liability."

This bill provides, among other things, that when the Director of Revenue claims that a decedent was domiciled in this State at the time of his death and the tax authorities of another state or states make a like claim on behalf of their state or states, the Director of Revenue may, with the approval of the Attorney General, make a written agreement with the other taxing authorities and with the executor or administrator to submit the controversy to the decision of a board consisting of one or any uneven number of arbitrators. The executors or administrator is hereby authorized to make the agreement. The parties to the agreement shall select the arbitrator or arbitrators. The board shall hold hearings and evidence may be presented for the purpose of determining the domicile of the decedent at the time of his death. This determination shall be final for purposes of imposing and collecting death taxes but for no other purpose.

The above provision, that the determination of the board shall be final for purposes of imposing and collecting death taxes, is found in Section 5, page 3, lines 3 and 4.

In an act of the Sixty-third General Assembly, found in Laws of Missouri, 1945, pages 1504 to 1509, inclusive, it is provided (Section 10) that any person who has exhausted all administrative remedies provided by law and who is aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, shall be entitled to judicial review thereof, as is provided in this section, unless some other provision for judicial review is provided by statute.

It is my opinion that if Senate Bill No. 90 is enacted it would repeal the above provision of Section 10 of the act of the Sixty-third General Assembly insofar as the determination of the Board of Arbitrators on the question of imposing and collecting death taxes is concerned, and would prohibit an appeal from said board.

In other words, as stated in Section 5 of Senate Bill No. 90, it is a final determination from which there is no appeal. I believe this would also conflict with Section 22, Article V of the Missouri 1945 Constitution, which is as follows:

> "All final decisions, findings, rules and orders of any administrative officer or body existing under the Constitution or by law, which are judicial or quasi-judicial and affect private rights, shall be subject to direct review by the courts as provided by law; and such review shall include the determination whether the same are authorized by law, and in cases in which a hearing is required by law, whether the same are supported by competent and substantial evidence upon the whole record."

I understand there are some states which have laws similar to Senate Bill No. 90, but I am opposed to investing absolute power and final determination in an administrative board, bureau, or commission from which there is no appeal. I believe that all decisions of an administrative board or commission should be subject to review as is provided in Section 22 of Article V of the Missouri Constitution. I am of the opinion that our present inheritance tax laws are adequate for the determination of the question involved in Senate Bill No. 90,

especially as there is a right of appeal to the courts in such cases.

For the above reasons Senate Bill No. 90 is vetoed and not approved.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

MAY 28, 1948

From the Journal of the House of Representatives, pp. 2162-2163

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 28, 1948.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith, with my veto and without my approval, Senate Substitute for House Bill No. 420, entitled:

"AN ACT

"To provide workmen's compensation benefits for certain members of the State Highway Patrol and for certain employees of the Highway Commission who suffered injury or death arising out of and in the course of their employment at any time between February 27, 1945, and December 19, 1945."

Senate Substitute for House Bill No. 420 provides workmen's compensation benefits for certain members of the State Highway Patrol and for certain employees of the State Highway Commission who suffered injury or death arising out of and in the course of their employment at any time between February 27, 1945, and December 19, 1945.

The new Missouri Constitution was adopted February 27, 1945. Said Constitution was proclaimed by the Governor to be in full force and effect on and after the 30th day of March, 1945. (See Proclamation on file with Secretary of State.)

Section 30, Article IV of the 1945 Constitution, provides for workmen's compensation as a proper charge against highway funds.

The Sixty-third General Assembly in 1945 enacted an act authorizing the State Highway Commission to accept the provisions of the workmen's compensation act relating to injury or death of certain employees. This act carried an emergency clause and was approved by the Governor May 24, 1945. (Laws of Missouri, 1945, pages 2004 and 2005.)

Section 8752a of said act of the Sixty-third General Assembly contains the following provision:

> "The state highway commission shall have authority by resolution to elect, under the provisions of Section 3694, Revised Statutes of Missouri, 1939, to accept the provisions of Chapter 29, Revised Statutes of Missouri, 1939, (workmen's compensation act) and to pay compensation to its employees primarily engaged in maintenance and construction work and to the uniformed members of the state highway patrol, for injury or death arising out of and in the course of their employment in accordance with the provisions and restrictions as set forth in said Chapter 29. . . ."

The records of the State Highway Commission show that the Highway Commission, by the adoption of a resolution, placed all such members and employees under the provisions of the workmen's compensation act and that the same should become effective when a contract of workmen's compensation insurance should be concluded; said contract of insurance was concluded and became effective on December 19, 1945. Said resolution and order of the Highway Commission was not retroactive.

The purpose of Senate Substitute for House Bill No. 420 is to bring under the workmen's compensation act

"Every person who was a uniformed member of the State Highway Patrol between the 27th day of February, 1945, and the 19th day of December, 1945, and every employee of the State Highway Commission who was primarily engaged in maintenance or construction work during the period inclusive of said dates who suffered personal injury arising out of and in the course of his employment at any time within such dates under such circumstances as would have entitled him to benefits under the Workmen's Compensation Law, Chapter 29, Revised Statutes of Missouri, 1939, as amended by Laws of Missouri, 1945, p. 2004, if he and his employer had been in all respects subject to the provisions of the Workmen's Compensation law during such time, and who, because of such injury was still suffering disability as the result of such accident on December 19, 1945, shall be entitled to receive, from funds appropriated for the support and maintenance of the department by which he was employed, such benefits as may be awarded to him by the State Industrial Commission under the provisions of the Workmen's Compensation Law. . . ." (Section 1, Underscoring mine.)

Prior to the 1945 Missouri Constitution, there was no constitutional or statutory law authorizing the State Highway Commission to pay benefits to employees under the workmen's compensation act. The Constitution was adopted on February 27, 1945, by a vote of the people but did not become effective until March 30, 1945. The act of the General Assembly extending the provisions of the workmen's compensation act to include employees of the State Highway Commission and the State Highway Patrol did not become effective until May 24, 1945. In other words, there was no constitutional authority to pay compensation claims to employees of the Highway Department or the State Highway Patrol on February 27, 1945, the date specified in Senate Substitute for House Bill No. 420. In fact, there was no authority to pay such claims prior to December 19, 1945, the date that the contract of workmen's compensation insurance was concluded and became effective under the provisions of the resolution adopted by the State Highway Commission.

It is my opinion that Senate Substitute for House Bill No. 420 is unconstitutional because it makes an obligation begin at an earlier date than the date the law went into effect and is therefore retroactive in operation and unconstitutional. Section 13, Article I, of the 1945 Constitution provides:

> "That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges or immunities, can be enacted."

For the reasons herein above set forth, it is my opinion that this bill is unconstitutional and void and therefore vetoed and not approved.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JUNE 1, 1948

From the Journal of the Senate, pp. 2126-2127

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 1, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, Senate Bill No. 296, entitled:

"AN ACT

"To repeal Section 3 of an act of the 63rd General Assembly, relating to the compilation, indexing and publication of the rules and regulations of administrative agencies of the State and to the disposal thereof, approved March 20, 1946, found at Laws of Missouri, 1945, page 1504, and to enact in lieu thereof a new section relating to the same subject matter, to be known as Section 3."

Senate Bill No. 296 requires the Secretary of State to compile, number, and index all rules filed in his office by all agencies of the State, and cause the same to be published in loose leaf binder form, in one or more volumes, appropriately entitled as the official compilation of such rules. Each agency shall cause to be printed five thousand copies of the rules filed by it in the office of the Secretary of State and furnish such copies to the Secretary of State for incorporation in the official compilation required by said act. Additional copies and amendments shall from time to time be printed and furnished to the Secretary of State by each agency. The Secretary of State shall compare the proofs with the copies of the rules on file in his office and shall cause them to truly conform to such copies.

The costs of printing all rules and amendments shall be paid from the appropriation of each such agency adopting such rules.

The costs of compiling, comparing, indexing, printing the index, and binding such rules and amendments by the Secretary of State and the costs of similar work on future compilation shall be paid from funds appropriated to the Secretary of State for that purpose.

This bill includes every administrative agency of the State that has any cause at any time to promulgate any rules and regulations of its functions and procedures. Also, each agency shall print five thousand copies of all rules filed by it.

The compiling, numbering, and indexing of each rule and regulation would require a great amount of clerical work and supervision. Considering the number of agencies included in the scope of the bill multiplied by the number of rules of each agency and these multiplied by 5000, together with keeping the whole system up to date would appear to be prohibitive. The cost of printing could be staggering and the storage space required would be far more than could be provided in the office of the Secretary of State. There has been no appropriation to the Secretary of State to meet the cost of this bill.

The present law, found in Laws of Missouri, 1945, page 1505, Section 3, provides:

> "(a) For the state agencies there shall be a monthly bulletin in which it shall set forth the text of all rules

filed during the preceding month, excluding rules now in effect.

"(b) The proper state officer shall, as soon as possible after the effective date of this act, compile, index, and publish all rules adopted by each agency and remaining in effect. Compilations shall be supplemented or revised as often as necessary, and at least once every two years.

"(c) Bulletins and compilations shall be made available upon request to state and local officials free of charge, and to other persons at a price fixed by the proper state authority to cover publication and mailing costs. The costs of such printing and publication shall be paid out of the funds for the operation of the agency filing such rules."

I believe the present law and the present practices of the various State agencies are adequate in regard to filing and furnishing copies of their rules and regulations. However, if changes are to be made in the present law I believe they should be less expensive and less cumbersome than provided for in this bill.

In Subsection 4, page 4, lines 83 and 84, said bill provides: "and all such printed rules so distributed shall be admissible in proper cases in all courts of record in this state."

The rule of evidence is that if regulations of an agency are to be introduced in evidence they must be pleaded and then properly introduced in evidence. Courts do not take judicial notice of administrative regulations. It is still the prerogative of the court to determine the competency and materiality of any such regulation sought to be introduced. I do not believe that part of the sentence above referred to would change that rule of evidence but it might be construed by some courts as a mandate to admit regulations when offered in evidence. In other words, it seems to be an attempt to change the established rules of evidence.

For the reasons herein given said bill is vetoed and not approved.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JUNE 2, 1948

From the Journal of the Senate, pp. 2129-2131

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

.. June 2, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith, with my veto and without my approval, Senate Bill No. 348, entitled:

"AN ACT

"To repeal Section 13 of an act of the 63rd General Assembly appearing at page 949 of the Laws of Missouri, 1945, approved by the governor May 3, 1946, relating to the creation and establishment of a department of public health and welfare and to enact a new section, to be known as Section 13, relating to the same subject matter and to the authority of the director of the division of health and of the director of the department of public health and welfare over the State Cancer Commission."

Section 12, Article IV of the 1945 Constitution authorizes the Governor to assign all boards, bureaus, commissions, and other agencies of the State exercising administrative or executive authority to the department to which their respective powers and duties are germane.

Acting under the above authority the Governor assigned the Cancer Commission to the Department of Public Health and Welfare, effective July 1, 1946.

The General Assembly also undertook to assign the Cancer Commission to the Department of Public Health and Welfare. (See Section 13, Laws of Missouri, 1945, page 949.)

However, said act of the General Assembly contained no provision in regard to the administration of the Cancer Hospital. This made the law ambiguous as to whether the Director of the Department of Public Health and Welfare had

control of the Cancer Hospital or whether the Cancer Commission had control. During the 1947 session of the Sixty-fourth General Assembly, Senator Keating introduced a bill in the Senate, known as Senate Bill No. 259, to clarify this ambiguity in the law. This bill never was reported by the committee.

During the 1947 session of the Sixty-fourth General Assembly, Senator Allison introduced a bill in the Senate known as Senate Bill No. 195, providing in substance that the employees of the Cancer Hospital should be employed on the basis of merit, as provided by law. This bill passed the Senate but was defeated in committee in the House. This bill was vigorously opposed by those who were opposed to the merit system for the Cancer Hospital and also by those opposed to the Department of Public Health and Welfare having anything to do with the Cancer Hospital.

While these bills were pending in the General Assembly the Attorney General rendered an opinion that the final administrative authority of the State Cancer Hospital is in the Director of the Department of Public Health and Welfare and the immediate supervision of the Cancer Commission is in the Director of the Division of Health within that Department.

After the rendition of this opinion by the Attorney General and the defeat of Senate Bill No. 195 by the House committee, a very interesting development occurred.

Senate Bill No. 348 was introduced on March 24, 1948. It provided among other things the following (lines 22 to 30, inclusive):

> "The cancer commission of the State of Missouri, as established by Chapter 125, Revised Statutes of Missouri, 1939, as amended, is hereby assigned to the division of health in the department of public health and welfare. The director of the division of health and the director of the department of public health and welfare shall have no supervision, authority or control over such actions or decisions of the State Cancer Commission as relates to its duties prescribed by law."

In other words, the merit system for the employees at the Cancer Hospital was wiped out and the entire supervision,

authority, and control of the Cancer Hospital was vested in the Cancer Commission. The assignment in lines 22 to 25, inclusive, Section 13, Senate Bill No. 348, of the Cancer Commission to the Division of Health in the Department of Public Health and Welfare was merely a paper assignment and the following lines (26 to 30, inclusive) "The director of the division of health and the director of the department of public health and welfare shall have no supervision, authority or control over such actions or decisions of the State Cancer Commission as relates to its duties prescribed by law.", stripped the Director of the Division of Health and the Director of the Department of Public Health and Welfare of any supervision, authority, or control over the Cancer Commission as relates to its duties prescribed by law.

This purported assignment by the General Assembly is in direct violation of Section 12, Article IV of the 1945 Constitution, which gave the Governor and not the General Assembly the authority to make such assignments. Senate Bill No. 348 passed the Senate on March 30, 1948. Although the Department of Public Health and Welfare was concerned with this subject matter, neither the Director nor anyone from the Department of Public Health and Welfare was requested to be heard by the committee to which the bill had been referred. On March 30, 1948, the same day the bill passed in the Senate, it was read in the House. On the next day, March 31, 1948, it was read the second time and according to the record was reported out of the committee "Do pass" before it was referred to the committee. However, later the record was corrected to show that this bill had been referred to the committee and then recommended "Do pass." If a hearing was held on the bill no one from the Department of Public Health and Welfare was requested to be present or in fact knew anything about the bill being introduced. On April 1, 1948, the bill was read the third time and passed the House. In other words, it was in the House, according to the record, three days but actually the first day in the House was the day it passed in the Senate (March 30). This is considerable speed considering the fact that Senator Keating's bill (Senate Bill No. 259) never was reported by the committee and Senator Allison's bill (Senate Bill No. 195), although passed by the Senate, was defeated in

the House committee, and these two bills were seeking to correct the ambiguity in the law.

If we are to have the employees in the State hospitals selected on the basis of merit then, in my opinion, the employees in the Cancer Hospital should be selected on the basis of merit the same as those in the other State hospitals. The Department of Public Health and Welfare operates the other State hospitals and successfully operates the Missouri State Sanatorium at Mount Vernon and the Trachoma Hospital at Rolla, both of which institutions deal with specialized forms of treatment and surgery. The doctors in these institutions are as highly skilled in their particular field as are the doctors in the Cancer Hospital.

In my opinion the Cancer Hospital should be under the Department of Public Health and Welfare as is contemplated by the Constitution and the Cancer Commission should serve in an advisory capacity. Legislation should be enacted to do this and clarify the ambiguity in the present law.

For the reasons herein stated Senate Bill No. 348 is vetoed and not approved.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JUNE 2, 1948

From the Journal of the House of Representatives, pp. 2165-2168

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 2, 1948.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith, with my veto and without my approval, House Bill No. 465, entitled:

"AN ACT

"To amend Section 9434 of Article 2, Chapter 52 of the Revised Statutes of Missouri, 1939, as amended by an act of the 61st General Assembly, approved June 20, 1941, and found at Laws of Missouri, 1941, page 566, by inserting in line 77 after the word 'expenditures.' the following: 'except that appropriations from said fund may be made for the purpose of acquiring lands and buildings, or for the erection of buildings on lands so acquired, which are deemed necessary for the administration of this law.', and to further amend said section 9434 by inserting a new paragraph at the end of subsection (c) between lines 98 and 99 thereof providing for the acquisition of lands and buildings for the use of the Division of Employment Security from the Special Employment Security Fund and for the repayment to said Special Employment Security Fund of the amounts expended for such purpose."

There are two parts of Section 9434, Article 2, Chapter 52, Revised Statutes of Missouri, 1939, as amended by an act of the Sixty-first General Assembly, found in Laws of Missouri, 1941, page 566, which are sought to be amended by House Bill No. 465.

The first amendment is set out in full in the title and also in the enacting clause and Section 9434. The second amendment mentioned in the title is the one that I desire to discuss. It is found on page 1, lines 10 to 17, inclusive, of the title and reads as follows:

". . . and to further amend said section 9434 by inserting a new paragraph at the end of subsection (c) between lines 98 and 99 thereof providing for the acquisition of lands and buildings for the use of the Division of Employment Security from the Special Employment Security Fund and for the repayment to said Special Employment Security Fund of the amounts expended for such purpose."

The actual amendment referred to in the title is set out in full on pages 2 and 3, lines 13 to 56, inclusive.

This amendment to Section 9434 appears on pages 6 and 7, lines 106 to 142, inclusive, but with a certain omission. The

following words appearing on page 3, of Section 1, lines 49 to 56, inclusive, are omitted, to wit:

> ". . . until the full amount of the purchase price thereof and the costs of construction and the costs of repair and maintenance thereof have been returned to such fund. After the amount of the purchase price has been repaid into the Special Employment Security Fund the costs of repair and maintenance of any said building shall be paid from the Unemployment Compensation Administration Fund."

The above words should have been inserted on page 7, line 142, after the word "it."

The title of House Bill No. 465 in regard to the above mentioned amendment indicates four distinct items of legislation:

1. The acquisition of lands and buildings;
2. The use of the lands and buildings so acquired by the Division of Employment Security;
3. The payment for the lands and buildings so acquired from the Special Employment Security Fund; and
4. The repayment of the funds expended to said Special Employment Security Fund.

On pages 6 and 7, lines 106 to 142, the Division of Employment Security has the right of primary utilization of any buildings or lands acquired but "any space in excess of the requirements of said division may be allocated to other agencies of the state under agreements with the State Board of Public Buildings." (Page 7, lines 120 to 122.) In other words, while the title to House Bill No. 465 provides for the acquisition of lands and buildings for the use of the Division of Employment Security, it nowhere states that such lands and buildings acquired pursuant to the provisions of this amendment may be rented or made available to other State agencies.

Furthermore, the State Board of Public Buildings is authorized to make agreements with other agencies of the State concerning space in buildings so acquired in excess of the needs of the Division of Employment Security. This

authority of the State Board of Public Buildings is not authorized in the title of said bill.

It is further provided (lines 123 to 129, inclusive) that all agreements with other State agencies for the use of the excess space in buildings and lands acquired for the use of the Division of Employment Security shall provide for the payment from funds appropriated for the support of such agencies, of amounts equivalent to the reasonable, fair rental value of the space utilized, into the Special Employment Security Fund, until such time as the full amount of the purchase price of such lands and buildings, and cost of repair and maintenance thereof, have been returned to such fund.

There is no indication in the title that the repayment of the funds expended for the acquisition of lands and buildings for the use of the Division of Employment Security shall be paid back into the Special Employment Security Fund from the fair rental value obtained from State agencies utilizing any excess space in said buildings or lands. Furthermore, Section 9434, pages 6 and 7, nowhere makes any provision that the Division of Employment Security, for whose use the lands and buildings were primarily acquired, shall make payments into the Special Employment Security Fund until full repayment of the purchase price has been made. The only requirement of the Division of Employment Security is that said division shall transfer from funds appropriated for its support from the Unemployment Compensation Administration Fund, to the Special Employment Security Fund, amounts equivalent to the fair, reasonable rental value of the lands and buildings so acquired. (Lines 132 to 137, inclusive.) In other words, the burden of repayment mentioned in the title is not cast upon the Division of Employment Security as the title would indicate, but is cast upon State agencies to whom the excess space may be rented. There is no requirement in Section 9434, as amended, that the Division of Employment Security shall repay the funds expended from the Special Employment Security Fund, but only the requirement that the Division of Employment Security pay rental value for an undetermined time. This lack of provision for the repayment to the Special Employment Security Fund by the Division of

Employment Security is made more noticeable by referring to page 3, Section 1, lines 49 to 52, wherein it is stated:

> ". . . until the full amount of the purchase price thereof and the costs of construction and the costs of repair and maintenance thereof have been returned to such fund. . . ."

The above quoted portion of Section 1, on page 3, lines 49 to 52, inclusive, is a part of that portion of the amendment that was omitted on page 7. In other words, the above quoted portion should have followed immediately after the word "it," in line 142 on page 7. It is the only provision that places upon the Division of Employment Security the burden of paying the fair, reasonable rental value until the full amount of the purchase price has been returned to the Special Employment Security Fund.

I do not believe that the title to House Bill No. 465, in regard to the above mentioned amendment, is a fair index of the legislation contained in said section. The variance between the title and the section as amended, together with the omission in said section on page 7, are of sufficient importance to render the title defective as not being a fair guide or an accurate indication of the legislation enacted.

There is also another consideration to be made of House Bill No. 465. In the title, lines 15, 16, and 17, provision is made for repayment of the funds expended from the Special Employment Security Fund for the acquisition of lands and buildings for the use of the Division of Employment Security. On page 3, lines 49 to 56, inclusive, there is found a provision which specifically provides for the repayment of the funds expended from the Special Employment Security Fund by the Division of Employment Security for the acquisition of lands and buildings for the use of the Division of Employment Security. However, this is another part of the provision that is omitted on page 7 and which should have followed that part of the amendment immediately following the word "it" in line 142.

By failing to insert on page 7, line 142, after the word "it," the words set forth on page 3, lines 49 to 56, inclusive, said amendment in Section 9434 was in direct violation of

Section 28, Article III of the 1945 Constitution, which provides in substance that the act or section amended shall be set forth in full as amended. The original House Bill No. 465 in the office of the Chief Clerk of the House, shows that several lines were stricken out of Section 9434.

Because of the omission of a part of the above amendment and because of the defects in the title, as above set forth, House Bill No. 465 is vetoed and not approved.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

VETO RECORDED WITH THE SECRETARY OF STATE

JUNE 3, 1948

From the Journal of the House of Representatives, pp. 2169-2176

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 3, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 484, entitled:

"AN ACT

"To appropriate money for the support of the State Government, for payment of certain contingent and incidental expenses of the State Government, for the period beginning July 1, 1948, and ending June 30, 1949; and to appropriate money for the various forms of relief; for the several departments of the State Government, for free public schools, the several boards, bureaus and commissions and state offices and persons, firms and corporations for the payment of which the state may be liable, and appropriating funds for other purposes, for the fiscal years 1947-48 and 1948-49, and prior years."

and append to said bill, at the time of signing it, the following statement of items, or portions of items, to which I object, which items and portions of items are returned without my approval, for the reasons herein below stated which said reasons accompany said bill and are my objections to said items and portions of items.

I.

I veto and do not approve the item of $8,869.50 in Section 9.150 for the relief of the Carter Motor Company, Unionville, Missouri, for hauling gravel under sub-contract, which it is alleged was not paid by the State Highway Department.

There is no date mentioned in regard to this claim in Section 9.150. However, this claim has been around the General Assembly for a number of years. It was vetoed by Governor Stark in 1937 (see Laws of Missouri, 1937, page 170) for the reason there is no legal liability on the part of the State. At that time the claim was for $5,436.53. It is my recollection that it was vetoed by another Governor but I am unable to locate the specific message at this time.

The subcontractor, Carter Motor Company of Unionville, entered into a contract with the Miller Garage and Contracting Company to haul gravel for three projects in Putnam County, Missouri. This was in the year 1928. The original contract for the hauling of gravel for these projects was made between the State Highway Department and the contractor and was not made with the subcontractor. The contractor furnished performance and payment bond with a surety, The Southern Surety Company, licensed in Missouri and approved by the State Insurance Department. When the work was completed the contractor owed the subcontractor $4,298.78. Both the contractor and the surety became bankrupt and the claim was not paid. In July, 1932, the subcontractor, Carter Motor Company, obtained a judgment in the Circuit Court of Putnam County, Missouri, against the contractor for said sum of $4,298.78. This judgment was never paid. The subcontractor, Carter Motor Company, by obtaining said judgment recognized there was no legal liability upon the State Highway Department.

The claim in Section 9.150 of House Bill No. 484 is for $8,869.50, which evidently represents interest for sixteen years. In Section 9.150, lines 5, 6, and 7, it is stated:

> "for hauling gravel under subcontract, which was not paid by the said Highway Department."

The Highway Department paid the original contractor. There was no legal liability on the part of the State Highway Department to pay the subcontractor.

For the reasons herein set forth, this claim is vetoed and not approved.

II.

I hereby veto and do not approve the following appropriation:

Section 9.290, lines 13 and 14, "For the construction and equipment of a classroom building, $500,000.00" to the University of Missouri.

However, I approve the following item in said Section 9.290, lines 10 to 12, inclusive: "For the construction and equipment of agricultural buildings, including meat and other farm laboratory buildings, $825,000.00."

III.

Sections 9.300, 9.310, 9.320, 9.330 and 9.340.

In Section 9.300, I veto and do not approve the appropriation in this section to Northeast Missouri State Teachers College, Kirksville, for an auditorium in the sum of $675,000.00.

In Section 9.310, I veto and do not approve the appropriation in this section to Northwest Missouri State Teachers College, Maryville, for an instructional building in the sum of $800,000.00.

In Section 9.320, I veto and do not approve the appropriation in this section to Central State College, Warrensburg, for a science and applied arts building in the sum of $845,-420.00.

In Section 9.330, I veto and do not approve the appropriation in this section to Southeast Missouri State College, Cape Girardeau, for a science building in the sum of $740,000.00.

In Section 9.340, I veto and do not approve the appropriation in this section to Southwest Missouri State College, Springfield, for a library building in the sum of $900,000.00.

IV.

In Section 9.350, I veto and do not approve the appropriation in lines 10 to 13, inclusive, as follows: "For the purpose of purchasing the necessary land and for the construction and equipping thereon of a law building in the City of St. Louis, $400,000.00," this appropriation being to Lincoln University. It is my opinion that if a building for a law school for Lincoln University is constructed it should be in Jefferson City, Missouri, where Lincoln University is located and not in some other city in the State.

In Section 9.350, I veto and do not approve the appropriation in lines 14 to 16, inclusive, as follows: "For the purpose of constructing and equipping a new physical health and gymnasium building with playing field, $448,400.00," this appropriation being to Lincoln University.

However, I approve the following item in Section 9.350, lines 8 and 9: "For the construction and equipping of a library building at Jefferson City, $440,800.00," this appropriation being to Lincoln University.

All of the above items, in II, III, and IV, except the physical health and gymnasium building with playing field, and law building in the City of St. Louis in Section 9.350 for Lincoln University, were included in House Bill No. 445 of the Sixty-fourth General Assembly and were vetoed at that time for the reasons therein stated. Some of those same reasons are applicable at the present time. (Laws of Missouri, 1947, Volume I, pages 207 to 209, inclusive.) Some of said buildings may have been designated under another name in House Bill No. 445 of the Sixty-fourth General Assembly.

The above appropriations in II, III, and IV are chargeable to the Post War Reserve Fund. There is included in House Bill No. 451, and also House Bills Nos. 452 and 453, certain buildings for the State Hospitals, Training Schools, and certain educational institutions; also an increase in appropriations for personal service and operation at certain of these institutions. In view of the fact that the balance in the Post

War Fund would be reduced to a small amount if the above appropriations were approved, it is my opinion that the above buildings should not be constructed at this time. It may be necessary to draw upon the balance in the Post War Fund to complete the present building program at the different institutions and equip the buildings. I do not believe it is good business management to reduce the Post War Fund too low at this time. By not approving the above appropriations there will be approximately Nine or Ten Million Dollars remaining in the Post War Fund.

V.

I approve the appropriation in Section 9.370 for Two Million Dollars to the Division of Public Buildings of the Department of Revenue, chargeable to the Post War Reserve Fund, for the purpose of constructing and equipping a State office building under the direction and supervision of said Division of Public Buildings, as provided by law. However, I do not approve that part of said Section 9.370 as follows (Lines 6, 7, and 8): "to be located on the state-owned property east of the State Capitol Building on the north side of Capitol Avenue." The Sixty-second General Assembly enacted legislation authorizing the Board of Permanent Seat of Government to erect and construct or cause to be erected and constructed, a building in Jefferson City to be known as the State Office Building. (Laws of Missouri, 1943, page 825.)

The Sixty-fourth General Assembly abolished the Board of Permanent Seat of Government and by the same act created the Board of Public Buildings in the Department of Revenue. Said act transferred the duties formerly vested in the Board of Permanent Seat of Government to the Board of Public Buildings. (Laws of Missouri, 1945, page 1462.) Therefore, since the Board of Public Buildings is the successor in office to the Board of Permanent Seat of Government, said Board of Public Buildings is the proper agency of the State to erect and construct or cause to be erected and constructed a building in Jefferson City to be known as a State Office Building and shall select plans and award the contract for said office building.

It is well settled that the General Assembly cannot legislate by appropriation acts. Section 23, Article III, Constitu-

tion of Missouri, 1945, follows Section 28, Article IV, Constitution of Missouri, 1875, and reads:

> "No bill shall contain more than one subject which shall be clearly expressed in its title, except bills enacted under the third exception in section 37 of this article and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated."

In the case of State ex rel. vs. Smith, 75 S. W. (2d) 828, l. c. 830, the Court held that legislation of a general character cannot be included in an appropriation bill; to do so would violate Section 28, Article IV, Constitution of Missouri, 1875, which is the same as Section 23, Article III, Constitution of Missouri, 1945.

In a more recent case, State ex rel. vs. Canada, 113 S. W. (2d) 783, l. c. 790, the Court held to the same effect that "Legislation of a general character cannot be included in an appropriation bill."

In view of the above constitutional provision and the decisions of the Court construing said provision, it is my opinion that that part of Section 9.370, House Bill No. 484, mentioning the location of the proposed State Office Building is unconstitutional in that it is attempting to legislate in an appropriation act and violates the provision of Section 23, Article III of the Constitution of Missouri, 1945. However, this does not in any manner affect the validity of the remaining portion of said section because said remaining portion is a complete workable statute and said sum of Two Million Dollars mentioned in said section for the purpose of constructing and equipping a State Office Building is approved.

VI.

Section 9.374 appropriates out of the State Treasury, chargeable to the General Revenue Fund, the sum of Two Million Five Hundred Thousand Dollars, to be used for the support of free public schools; said sum to be apportioned and distributed for the support of free public schools, as provided by law, and to be in addition to the one-third appropriated for the same purpose in Section 2.121 of House Bill No. 448 of the Sixty-fourth General Assembly.

When this section was introduced in the House as an amendment to House Bill No. 484 it was for Five Million Dollars and was passed by the House. The Senate struck out this section. However, it was reduced to Two and One-Half Million Dollars by the conference committee report, which report later was adopted.

This is the first time in the history of the State that an appropriation for a specific sum has been made by the General Assembly for the support of the public schools, in addition to the regular appropriation of one-third of the General Revenue.

Under the provision of Section 3(b), Article IX, Constitution of Missouri, 1945, there is provided, among other things, as follows:

> ". . . but in no case shall there be set apart less than twenty-five per cent of the state revenue, exclusive of interest and sinking fund, to be applied annually to the support of the free public schools."

For many years the General Assembly has set apart one-third of the General Revenue for the support of the free public schools. The sum so set apart has gradually increased each year. In 1933 it was $3,397,851.71. In 1947 it was $29,-922,639.92. In 1948 it is estimated it will be $31,454,858.33, less the amount appropriated to the School for the Deaf, School for the Blind, and certain items to the State Department of Education, State aid for high school buildings in certain school districts, teachers training work in high schools, to pay to each county $750.00 to apply on amounts paid for clerical assistance for county superintendents of schools, to pay compensation of county superintendents of schools and supervisors of school transportation, to pay compensation of county superintendents of schools for preparation of school district budgets, which will be approximately $1,609,363.33. The appropriation for the public schools has always been on a percentage basis. In Section 9.374 of House Bill No. 484 for the first time there is in addition to the setting apart of one-third part of the General Revenue, an additional appropriation of a specific amount of $2,500,000.00.

In my opinion this appropriation of Two Million Five Hundred Thousand Dollars is a dangerous precedent in the appropriation of funds from the general revenue.

In considering this appropriation it should be borne in mind that the Governor has no authority to reduce any appropriation for free public schools.

Section 26, Article IV, Constitution of Missouri, 1945, provides:

> ". . . The governor shall not reduce any appropriation for free public schools, or for the payment of principal and interest on the public debt."

Under this provision of the Constitution the Governor is powerless to reduce or veto an appropriation for the public schools and must keep his hands off any appropriation for public schools regardless of how high the appropriation may be.

This raises a serious budgetary problem in view of the fact that if the General Assembly over-appropriates the anticipated revenue the Governor must balance the budget from the appropriations to the institutions and departments of the State government because he cannot touch the appropriation for free public schools.

When the estimate of the anticipated revenue was made for the General Assembly it was anticipated that the net general revenue for 1948-49 would be $63,242,216.67. The appropriations by the General Assembly for the fiscal year 1948-49 were $65,192,282.67. This was an over-appropriation of $1,950,066.00. This estimate was made more than a year ago when the budget was being prepared for the General Assembly. However, since that time the revenues for the present fiscal year have been practically collected and judging from the present collections it is the opinion of the Revenue Department that the estimates from all sources of revenue, except income tax, appear to be approximately correct, but probably there will be an increase of approximately Three Million Dollars in receipts from the State Income Tax above the amount originally anticipated.

One-third or One Million Dollars of this amount will have to be set aside for the public schools, leaving Two Million Dollars to be added to the anticipated General Revenue of

$63,242,216.67. In other words, this anticipated excess in the State Income Tax will just about take care of the over-appropriation of $1,950,066.00.

It can readily be seen that if the additional appropriation in Section 9.374 for free public schools, as originally voted by the House, had remained at Five Million Dollars, there would have been an over-appropriation in spite of the anticipated increase in income taxes and the Governor would have been without authority to reduce any part of said appropriation in attempting to balance the budget.

In considering this question it should be borne in mind that Section 24, Article IV of the Constitution requires the Governor to submit to the General Assembly a budget for the ensuing appropriation period, containing the estimated available revenues of the State and a complete and itemized plan of proposed expenditures of the State and all its agencies, together with his recommendations of any laws necessary to provide revenues sufficient to meet the expenditures. In other words, the Governor is required to submit a balanced budget but he has no control over one of the items which takes over one-third of the General Revenue, and in fact may take much more if the General Assembly follows the precedent set in Section 9.374.

Later if it develops that the actual revenue is less than the revenue estimates upon which the appropriations were based, the Governor can reduce the expenditures of the State or any of its agencies below their appropriations (Section 27, Article IV, Constitution of Missouri, 1945). However, this reduction in the expenditures of the State, or any of its agencies, cannot be taken from the appropriation for free public schools because of the prohibition in Section 26 of Article IV.

While we recognize the importance of education in a democracy, we also should recognize the necessity of maintaining and supporting other functions, institutions, and departments of our State government.

The anticipated revenue is greater for the coming fiscal year than ever before. The appropriations also are greater, due to the increasing cost of operation of the institutions and departments of the State government. If there should be a reduction in the actual revenue within the near future and if

specific appropriations are going to be made by the General Assembly for the public schools, in addition to the regular one-third of the General Revenue, then it will become a serious problem to balance the budget. It is my opinion that serious thought should be given to the repeal of the above provision of the Constitution prohibiting the Governor from reducing appropriations for public schools, that is, appropriations in excess of the constitutional limit.

I also suggest that serious consideration should be given to the expenditure of that part of the General Revenue which is appropriated to the public schools. Section 10366, Laws of Missouri, 1943, page 895, provides that all State funds shall be paid into the Teachers' Fund except as is provided in said section. I realize that teachers are entitled to increases in salary; however, in view of the fact that this State fund for public schools has been greatly increased in recent years, as above set forth, the question naturally arises as to whether or not the State funds are being used for teachers' salaries or for other purposes.

VII.

The item of $746.31 in Section 9.379, page 40, for the relief of T. E. Bell, Clerk of the County Court of Iron County, Missouri, for preparing and extending the State's portion of the tax books of the County of Wayne for the years 1942, 1943, 1944, 1945, and 1946 is vetoed and not approved. In a letter to me from T. E. Bell, Clerk of the County Court of Iron County, Missouri, dated May 26, 1948, Mr. Bell states that he prepared and extended the tax books for Iron County for the above years. I do not believe he would be entitled to be paid for preparing and extending the State's portion of the tax books for Wayne County, Missouri. This, no doubt, was an error in preparing the amendment, which was offered to House Bill No. 484 from the floor on the perfection of the bill. In fact, it was suggested to a member of the Senate that the amendment was incorrect but no attention was paid to the suggestion. For the above reasons this item is vetoed.

VIII.

I hereby veto and do not approve the item in Section 9.420, page 44, House Bill No. 484, in the sum of $752.40,

chargeable to the State Highway Department Fund for the purpose of paying a special tax bill No. 587 issued on the 29th day of July, 1947, by the City of Rolla, Missouri, against a certain property of the Missouri State Highway Department described in said section, in payment of the cost of certain paving on Elm Street in Rolla abutting the property therein described.

This tract of land was acquired many years ago by the State of Missouri for a borrow pit for the sum of $100.00. The State removed earth from it for the construction of Route 72 in Phelps County, Missouri, and after such construction the State abandoned the tract. The tax bill is for $752.40. In a letter dated September 18, 1946, the City of Rolla suggested that the Highway Department convey title to the City of Rolla to this parcel of ground for the consideration of $1.00 or some nominal amount and let the City assume the cost of the street improvement along this property. The Highway Department notified the City of Rolla that it would convey the tract to the City for a nominal consideration. The negotiations never were completed.

In this particular instance, I do not believe the payment of $752.40 from Highway Funds is justified. The Highway Department is willing to convey the tract of land in question to the City of Rolla for a nominal consideration and I believe that a quit claim deed should be executed by the Highway Commission to the City of Rolla for this tract of land and the tax bill cancelled.

For the reasons herein set forth I do not approve this appropriation.

On June 3, 1948, I approved said House Bill No. 484 as to all items and portions of items thereof, except the items and portions of items which are, as in this message above stated, returned without my approval.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

SPECIAL MESSAGES

TO THE SENATE

JANUARY 31, 1945

From the Journal of the Senate, p. 137

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
January 31, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Henry N. Byrne, St. Joseph, Buchanan County, Missouri, as a Commissioner of the Department of Penal Institutions, for a term of four years and until his successor is appointed and qualified; vice, P. F. Willis, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 13, 1945

From the Journal of the Senate, p. 171

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 13, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Hugh H. Waggoner, Lebanon, Missouri, as Superintendent of the Missouri State Highway Patrol for a term ending at the pleasure of the Governor; vice, M. Stanley Ginn.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 14, 1945

From the Journal of the Senate, p. 182

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 14, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

E. E. Swain, Republican, Kirksville, Missouri, as a member of the Board of Regents for Northeast Missouri State Teachers College, Kirksville, Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, J. A. Cooley, term expired.

Roland A. Zeigel, Republican, Kirksville, Missouri, as a member of the Board of Regents for Northeast Missouri State Teachers College, Kirksville, Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 20, 1945

From the Journal of the Senate, p. 194

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 20, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Richard Johnson, 2420 St. Joseph Avenue, St. Joseph, Missouri, as a member of the Board of Police Commissioners for the City of St. Joseph, Missouri, for a term ending February 19, 1946, and until his successor is duly appointed and qualified; vice, H. N. Stevenson, term expired.

Harold F. Thomson, 1718 Crescent Drive, St. Joseph, Missouri, as a member of the Board of Police Commissioners for the City of St. Joseph, Missouri, for a term ending February 19, 1947, and until his successor is duly appointed and qualified; vice, Wm. R. Seaman, term expired.

F. Claude Davis, Jr., 30th and Francis, St. Joseph, Missouri, as a member of the Board of Police Commissioners for the City of St. Joseph, Missouri, for a term ending February 19, 1948, and until his successor is duly appointed and qualified; vice, Leo V. Anderson, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 20, 1945

From the Journal of the Senate, p. 196

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 20, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

F. M. Horton, Flat River, Missouri, as the Supervisor of Building and Loan Associations, for a term ending at the pleasure of the Governor; vice, T. Victor Jeffries, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 20, 1945

From the Journal of the Senate, p. 197

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 20, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Edgar C. Nelson, Boonville, Missouri, as a member of the Workmen's Compensation Commission for a term ending

February 19, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

I designate Mr. Nelson as Chairman of the Commission.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 20, 1945

From the Journal of the Senate, p. 197

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 20, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Richard L. Douglas, Republican, 1125 Krug Park Place, St. Joseph, Missouri, as a member of the Board of Regents for Northwest Missouri State Teachers College, Maryville, Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

J. V. Gaddy, Democrat, 2725 Sacramento Street, St. Joseph, Missouri, as a member of the Board of Regents for Northwest Missouri State Teachers College, Maryville, Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, Edmond McWilliams, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 20, 1945

From the Journal of the Senate, p. 198

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 20, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Edward L. Clark, Rolla, Missouri, as State Geologist, for a term ending August 1, 1945, and until his successor is duly appointed and qualified; vice, H. A. Buehler, deceased.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 20, 1945

From the Journal of the Senate, p. 198

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 20, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

R. E. Burley, Republican, Lebanon, Missouri, as a member of the Board of Regents for Southwest Missouri State Teachers College, Springfield, Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Seth V. Conrad, Democrat, Marshfield, Missouri, as a member of the Board of Regents for Southwest Missouri State Teachers College, Springfield, Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, B. F. Julian, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 6, 1945

From the Journal of the Senate, p. 218

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 6, 1945.

Mr. Kirk Jones, Secretary of the Senate, Jefferson City, Missouri:

Dear Mr. Jones:

Please convey to the members of the State Senate my sincere thanks for the beautiful bouquet of flowers and the enrolled copy of the resolution adopted by the Senate in honor of my birthday. It was most thoughtful of the Senate to do this and I appreciate it very much.

With kindest regards, I am

Sincerely,
PHIL M. DONNELLY.

TO THE HOUSE OF REPRESENTATIVES

March 7, 1945

From the Journal of the House of Representatives, p. 367

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 7, 1945.

Mr. Herold D. Condray, Chief Clerk, House of Representatives, Jefferson City, Missouri:

Dear Mr. Condray:

I wish to express through you my thanks and appreciation to the members of the House of Representatives for their courtesy in adopting House Resolution No. 90, in honor of my birthday.

With best wishes, I am

Sincerely,
PHIL M. DONNELLY.

TO THE SENATE

MARCH 13, 1945

From the Journal of the Senate, pp. 238-239

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 13, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

L. N. Coffman, Salem, Missouri, as a member of the Board of Trustees of the Federal Soldiers' Home at St. James, Missouri, for a term ending February 1, 1949, and until his successor is duly appointed and qualified; vice, reappointment.

W. E. Barton, Houston, Missouri, as a member of the Board of Trustees of the Federal Soldiers' Home at St. James, Missouri, for a term ending February 1, 1949, and until his successor is duly appointed and qualified; vice, Earl E. Young, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 13, 1945

From the Journal of the Senate, p. 239

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 13, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Roy W. Starling, Republican, Eldon, Missouri, as a member of the Board of Regents for Central Missouri State Teachers College, Warrensburg, Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

R. Lee Cooper, Democrat, Warrensburg, Missouri, as a member of the Board of Regents for Central Missouri State Teachers College, Warrensburg, Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 13, 1945

From the Journal of the Senate pp. 239-240

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 13, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Orville Zimmerman, Democrat, Kennett, Missouri, as a member of the Board of Regents for Southeast Missouri State Teachers College, Cape Girardeau, Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

I. R. Kelso, Democrat, Cape Girardeau, Missouri, as a member of the Board of Regents for Southeast Missouri State Teachers College, Cape Girardeau, Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 14, 1945

From the Journal of the Senate, pp. 248-249

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 14, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Frank C. Mann, Springfield, Missouri, as a member of the Board of Curators of the University of Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Allen McReynolds, Carthage, Missouri, as a member of the Board of Curators of the University of Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, Cowgill Blair, term expired.

Guy A. Thompson, 275 Union, St. Louis, Missouri, as a member of the Board of Curators of the University of Missouri, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, Tom K. Smith, term expired.

Stratton Shartel, 601 West Meyer Blvd., Kansas City, Missouri, as a member of the Board of Curators of the University of Missouri, for a term ending January 1, 1947, and until his successor is duly appointed and qualified; vice, Mrs. Henry J. Haskell, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 15, 1945

From the Journal of the Senate, p. 260

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 15, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Edmund Burke, Moberly, Missouri, as Supervisor of Liquor Control, for a term ending at the pleasure of the Governor; vice, Wayne G. Henderson.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 19, 1945

From the Journal of the Senate, p. 269

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 19, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

M. E. Morris, Trenton, Missouri, as Commissioner of Finance, for a term ending at the pleasure of the Governor; vice, D. R. Harrison.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 19, 1945

From the Journal of the Senate, pp. 269-270

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 19, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Fred W. Naeter, Republican, Cape Girardeau, Missouri, as a member of the Board of Managers of the State Eleemosynary Institutions, for a term ending June 19, 1948, and until his successor is appointed and qualified; vice, Ira A. Jones, term expired.

T. W. Cotton, Democrat, Van Buren, Missouri, as a member of the Board of Managers of the State Eleemosynary Institutions, for a term ending June 19, 1948, and until his successor is appointed and qualified; vice, reappointment.

Joe M. Roberts, Republican, Gallatin, Missouri, as a member of the Board of Managers of the State Eleemosynary Institutions for a term ending June 19, 1947, and until his successor is appointed and qualified; vice, C. B. Dubois, resigned.

I hereby designate W. R. Painter, who is a member of the Board of Managers of the State Eleemosynary Institutions, as president of said board; vice, Ira A. Jones.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 21, 1945

From the Journal of the Senate, p. 286

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 21, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor R. M. James, Joplin, Missouri, as Commissioner of Health and Secretary of the State Board of Health, for a

term of four years and until his successor is appointed and qualified; vice, Doctor James Stewart, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 26, 1945

From the Journal of the Senate, p. 329

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 26, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Carl J. Henry, Butler, Missouri, to represent the public as a member of the Unemployment Compensation Commission of Missouri, for a term ending June 18, 1949, and until his successor is duly appointed and qualified; vice, George A. Rozier, resigned.

I designate the said Carl J. Henry as Chairman of the Unemployment Compensation Commission.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 28, 1945

From the Journal of the Senate, p. 344

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 28, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Paul C. Jones, Kennett, Missouri, as a member of the State Highway Commission for a term of six years and until his successor is appointed and qualified; vice, Baxter Brooking Bond, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

APRIL 10, 1945

From the Journal of the Senate, p. 400

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 10, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

E. L. McClintock, Cape Girardeau, Missouri, as a member of the Public Service Commission, for a term ending April 15, 1949, and until his successor is duly appointed and qualified; vice, John A. Ferguson, resigned.

Morris E. Osburn, Shelbyville, Missouri, as a member of the Public Service Commission for a term ending April 15, 1947, and until his successor is duly appointed and qualified; vice, Albert Miller, resigned.

I designate the said Morris E. Osburn as Chairman of the Public Service Commission.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

APRIL 18, 1945

From the Journal of the Senate, p. 481

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 18, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Charles L. Henson, Springfield, Missouri, as a member of the Public Service Commission, for a term ending April 15, 1951, and until his successor is appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

APRIL 19, 1945

From the Journal of the Senate, p. 494

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 19, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

John A. Harris, Columbia, Missouri, as Adjutant General of the State of Missouri, for a term ending at the pleasure of the Governor; vice, Clifford W. Gaylord.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MAY 2, 1945

From the Journal of the Senate, p. 607

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 2, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Miss Nelle Cummins, Democrat, 5503 Tracy, Kansas City, Missouri, as a member of the Board of Managers of the State Eleemosynary Institutions, for a term ending June 19,

1947, and until her successor is appointed and qualified; vice, Mrs. Alice R. Seidlitz, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MAY 10, 1945

From the Journal of the Senate, p. 683

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 10, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

William Wildeboor, Democrat, Jefferson City, Missouri, as a member of the State Social Security Commission, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Wallace Crossley, deceased.

Roy E. Taylor, Republican, Herculaneum, Missouri, as a member of the State Social Security Commission, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, William T. Nardin, term expired.

Carl G. Stifel, Republican, 625 S. Skinker, St. Louis, Missouri, as a member of the State Social Security Commission, for a term ending June 29, 1945, and until his successor is duly appointed and qualified; vice, Morton T. Jones, resigned.

I designate the said William Wildeboor as Chairman of the State Social Security Commission.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE GENERAL ASSEMBLY AND THE SECRETARY OF STATE

MAY 12, 1945

From the Journal of the House of Representatives, p. 922

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 12, 1945.

To the Secretary of State:

To the Senate of the 63rd General Assembly of the State of Missouri:

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

In accordance with the provisions of Senate Committee Substitute for Senate Bill No. 24, I have appointed the following persons to serve with members of the House and Senate on a Commission to visit the Tennessee Valley Authority and make a report of its findings and recommendations as provided for in said Senate Committee Substitute for Senate Bill No. 24:

Colonel Frank G. Jonah, 7364 Pershing Avenue, University City, 5, Missouri.

F. V. Heinkel, President, Missouri Farmers Association, Robertsville, Missouri.

L. T. Berthe, Charleston, Missouri.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

Attest:

WILSON BELL,
Secretary of State.

P. F. WILLIS,
Chief Clerk.

TO THE SENATE

MAY 21, 1945

From the Journal of the Senate, p. 773

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 21, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Frank L. Ramacciotti, Democrat, 4919 McCausland Avenue, St. Louis, Missouri, as a member and Chairman of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Jesse W. Barrett, term expired.

Henry A. Hamilton, Republican, 1226 Clara Avenue, St. Louis, Missouri, as a member and Secretary of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Alphonse G. Eberle, term expired.

Lawrence Boogher, Democrat, 6241 Waterman Avenue, St. Louis, Missouri, as a member of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, A. Sidney Johnston, term expired.

George P. Utter, Republican, 5619 Neosho, St. Louis, Missouri, as a member of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, William J. Blesse, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

JUNE 4, 1945

From the Journal of the House of Representatives, pp. 1152-1153

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 4, 1945.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return to you House Bill No. 268, entitled:

"AN ACT

"To appropriate money for the cost of assessing and collecting the revenue and to pay the per diem of the Secretary of the State Board of Equalization and other expenses for the period beginning July 1, 1945, and ending June 30, 1946, with an emergency clause."

I have approved House Bill No. 268. However, I respectfully wish to make the following statement in connection with one item in this bill:

Section 1, among other things, states, "Including the per diem of the Secretary." Then under "Personal Service" it states:

"Per Diem of the Secretary.....$1000.00."

This is very indefinite and does not give any indication as to what secretary or to whom the $1000.00 should be paid. However, in the title of the bill it is stated, "to pay the per diem of the Secretary of the State Board of Equalization."

The title of a bill is supposed to refer to or point out the subject matter contained in the bill. As has been stated by one of the courts, "The evident object of the provision of the organic law relative to the title of an act was to have the title, like a guide-board, indicate the general contents of the bill." . . . . However, in House Bill No. 268 the title refers to or points out subject matter that is not in the bill because no reference whatever is made in Section 1 of the bill to the State Board of Equalization. If we consider the title as a

part of the bill, then, of course, we know that the Secretary of the State Board of Equalization is referred to, but the serious question is, as above stated, that the title refers to or points out a matter that is not in the bill itself.

The intention of the legislature as expressed in the title of this act is "To appropriate money . . . to pay the per diem of the Secretary of the State Board of Equalization." . . . I am resolving the benefit of the doubt in favor of the validity of this item in the bill, but respectfully call attention to the fact that some official or department of the State government should be designated in the bill to whom appropriations shall be paid.

On June 4, 1945, I approved said House Bill No. 268.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 6, 1945

From the Journal of the Senate, pp. 893-894

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 6, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Paul Hamilton, 1055 West 55th Street, Kansas City, Missouri, as a member of the Board of Police Commissioners for Kansas City, Missouri, for a term ending July 8, 1945, and until his successor is duly appointed and qualified; vice, Harry M. Gambrel, resigned.

Roger S. Miller, 660 Romany Road, Kansas City, Missouri, as a member of the Board of Police Commissioners for

Kansas City, Missouri, for a term ending July 8, 1948, and until his successor is duly appointed and qualified; vice, Milton B. Schweiger, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 6, 1945

From the Journal of the Senate, p. 894

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 6, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

V. J. O'Flaherty, Jr., 909 Baltimore Avenue, Kansas City, Missouri, as a member of the Missouri Real Estate Commission, for a term ending three years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Byron T. Shutz, term expired.

Ray R. Dolan, 6401 Manchester Avenue, St. Louis, Missouri, as a member of the Missouri Real Estate Commission, for a term ending three years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Eugene D. Ruth, Jr., term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 6, 1945

From the Journal of the Senate, pp. 902-903

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 6, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

Under the provisions of Senate Committee Substitute for Senate Bill No. 44 I have appointed the following persons as members of the commission known as the Missouri State School Commission:

Oak Hunter, Democrat, Moberly, Missouri, for a term ending at the pleasure of the Governor.

Henry C. Clark, Democrat, Boonville, Missouri, for a term ending at the pleasure of the Governor.

Homer L. Pruett, Democrat, Higginsville, Missouri, for a term ending at the pleasure of the Governor.

Roy H. Monier, Republican, Carrollton, Missouri, for a term ending at the pleasure of the Governor.

V. A. Sheppard, Republican, Richmond, Missouri, for a term ending at the pleasure of the Governor.

T. G. Banning, Republican, Brookfield, Missouri, for a term ending at the pleasure of the Governor.

Respectfully submitted,

PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 7, 1945

From the Journal of the Senate, p. 905

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 7, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Ludwick Graves, Democrat, 630 West 61st Street, Kansas City, Missouri, as a member and Chairman of the Board of Election Commissioners for the City of Kansas City, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Harry L. Thomas, term expired.

Richard C. Jensen, Republican, 319 East Dartmouth, Kansas City, Missouri, as a member and Secretary of the Board of Election Commissioners for the City of Kansas City, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Thomas R. Hunt, term expired.

Joseph R. Stewart, Democrat, 6933 Penn, Kansas City, Missouri, as a member of the Board of Election Commissioners for the City of Kansas City, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, William Francis Woodruff, term expired.

Wm. E. Davis, Republican, 700 Ward Parkway, Kansas City, Missouri, as a member of the Board of Election Commissioners for the City of Kansas City, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Herman M. Langworthy, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 25, 1945

From the Journal of the Senate, p. 1040

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 25, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Wm. L. Smith, 7611 Rosedale Drive, Normandy, Missouri, as State Purchasing Agent, for a term ending at the pleasure of the Governor; vice, Ted R. Ferguson.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 25, 1945

From the Journal of the Senate, p. 1041

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 25, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Carl G. Stifel, Republican, 625 S. Skinker, St. Louis, Missouri, as a member of the State Social Security Commis-

sion, for a term of four years commencing June 30, 1945, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 26, 1945

From the Journal of the Senate, pp. 1066-1067

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 26, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Ronnie F. Greenwell, Hayti, Missouri, as a member of the State Soil Districts Commission, for a term ending three years from the time of his appointment and qualification and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 26, 1945

From the Journal of the Senate, p. 1067

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 26, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Clarence Evans, Democrat, Paris, Missouri, as a member of the State Tax Commission for a term ending June 17, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 26, 1945

From the Journal of the Senate, p. 1067

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 26, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Harry P. Drisler, Slater, Missouri, to represent employees as a member of the Unemployment Compensation

Commission of Missouri, for a term ending June 17, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 26, 1945

From the Journal of the Senate, p. 1068

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 26, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

A. H. Cuneo, 6529 Edgevale Road, Kansas City, Missouri, as a member of the Missouri State Board of Accountancy, for a term ending five years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, F. R. Brodie, term expired.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 26, 1945

From the Journal of the Senate, p. 1068

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 26, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Walter L. Rathmann, architect, 316 N. Eighth Street, St. Louis, Missouri, as a member of the State Board of Registration for Architects and Professional Engineers, for a term ending six years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, reappointment.

Frank Beard, professional engineer, Kahoka, Missouri, as a member of the State Board of Registration for Architects and Professional Engineers for a term ending six years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 26, 1945

From the Journal of the Senate, p. 1069

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 26, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Doctor Major G. Seelig, 4954 Lindell Boulevard, St. Louis, Missouri, as a member of the Cancer Commission for the State of Missouri, for a term ending at the pleasure of the Governor; vice, reappointment.

W. Ed Jameson, Fulton, Missouri, as a member of the Cancer Commission for the State of Missouri, for a term ending at the pleasure of the Governor; vice, Leo H. Johnson.

Doctor Clifton Smith, 2502 Faraon Street, St. Joseph, Missouri, as a member of the Cancer Commission for the State of Missouri, for a term ending at the pleasure of the Governor; vice, William M. Clark.

Respectfully submitted,

PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 26, 1945

From the Journal of the Senate, p. 1069

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 26, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Doctor Ralph A. Kinsella, 4376 Westminster, St. Louis, Missouri, as a member of the State Board of Health of Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Doctor Cleveland H. Shutt, term expired.

Doctor George E. Knappenberger, 8330 Holmes, Kansas City, Missouri, as a member of the State Board of Health of Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Doctor Ira H. Lockwood, term expired.

Doctor Frank H. Rose, Albany, Missouri, as a member of the State Board of Health of Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Doctor John I. Byrne, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 26, 1945

From the Journal of the Senate, p. 1070

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 26, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Sister M. Geraldine Kulleck, 6420 Clayton Avenue, St. Louis, Missouri, as a member of the Board of Examiners and Registrars of Nurses, for a term ending three years from the time of her appointment and qualification and until her successor shall be appointed and qualified; vice, reappointment.

Doctor William C. Weinsberg, 3451 Halliday Avenue, St. Louis, Missouri, as a member of the Board of Examiners and Registrars of Nurses, for a term ending three years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Doctor Max Starkloff, term expired.

Mrs. Corinne Hamilton, 505 West 31st Street, Apartment 9, Kansas City, Missouri, as a member of the Board of Examiners and Registrars of Nurses, for a term ending three years from the time of her appointment and qualification and until her successor shall be appointed and qualified; vice, Mrs. Lela Rahe Smith, term expired.

Mrs. Della J. Ream, Kirksville, Missouri, as a member of the Board of Examiners and Registrars of Nurses, for a term ending December 1, 1945, and until her successor is duly appointed and qualified; vice, Miss Ruth Story, deceased.

Miss Luna Thomas, 2817 S. Kingshighway, St. Louis, Missouri, as a member of the Board of Examiners and Registrars of Nurses, for a term ending three years from the time of her appointment and qualification and until her successor

shall be appointed and qualified; vice, Miss Mabel Kehoe, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, pp. 1076-1077

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Lon N. Irwin, 2715 Monterey Street, St. Joseph, Missouri, as the Commissioner of Labor and Industrial Inspection, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Orville S. Traylor, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, p. 1077

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Chas. W. Riley, Medical Arts Building, Springfield, Missouri, as a member of the Board of Pharmacy, for a term ending five years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, W. C. McGreevy, term expired.

Vincent Murphy, 701 West 74th Street, Kansas City, Missouri, as a member of the Board of Pharmacy, for a term ending July 2, 1946, and until his successor is duly appointed and qualified; vice, Ted O. Willard, resigned.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, pp. 1077-1078

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Doctor J. Max Daniel, 401 Bryant Building, Kansas City, Missouri, as a member of the State Board of Optometry for a term ending five years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, reappointment.

Doctor Dale P. Summers, 200 Guitar Building, Columbia, Missouri, as a member of the State Board of Optometry for a term ending five years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Doctor J. Allen Selvidge, term expired.

Doctor George A. Winterer, 202 N. 7th Street, St. Louis, Missouri, as a member of the State Board of Optometry, for a term of five years commencing June 30, 1945, and until his successor shall be appointed and qualified; vice, Doctor Alois A. Winterer, resigned.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, p. 1078

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Mrs. Frances S. Burkhardt, Forest Park Hotel, St. Louis, Missouri, as a member of the Board of Managers of the Missouri School for the Blind, for a term ending four years from the time of her appointment and qualification and until her successor shall be appointed and qualified; vice, reappointment.

Martin J. Collins, 2919 Allen Avenue, St. Louis, Missouri, as a member of the Board of Managers of the Missouri School for the Blind, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, reappointment.

Oliver W. Chilton, Caruthersville, Missouri, as a member of the Board of Managers of the Missouri School for the Blind, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, reappointment.

Doctor Martin J. Glaser, 3550 Hawthorne Blvd., St. Louis, Missouri, as a member of the Board of Managers of the Missouri School for the Blind, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Doctor C. C. Chesterson, term expired.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, p. 1079

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor T. T. Umbarger, 1435 E. Delmar, Springfield Missouri, as a member of the Missouri Dental Board, for a term ending five years from the time of his appointment and

qualification and until his successor shall be appointed and qualified; vice, Doctor Jack Grant, term expired.

Respectfully submitted,

PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, p. 1098

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

John Gartner, Paul Brown Building, St. Louis, Missouri, as a member of the State Board of Barber Examiners, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Wm. J. Kloppenberg, term expired.

J. C. Green, Doniphan, Missouri, as a member of the State Board of Barber Examiners, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, L. N. Dixon, term expired.

J. E. Johnson, 5820 Forest, Kansas City, Missouri, as a member of the State Board of Barber Examiners, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Harry G. Sloan, term expired.

Respectfully submitted,

PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, p. 1099

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Doctor T. C. Oyler, Brookfield, Missouri, as a member of the State Board of Chiropractic Examiners, for a term ending three years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, reappointment.

Doctor S. J. Durham, 1930 North Circle Drive, Jefferson City, Missouri, as a member of the State Board of Chiropractic Examiners, for a term ending three years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Doctor Roy M. Keller, term expired.

Doctor Otto C. Reinert, 4712a Natural Bridge Avenue, St. Louis, Missouri, as a member of the State Board of Chiropractic Examiners, for a term ending three years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Doctor Kenneth O'Bryan, term expired.

Doctor F. L. Sisson, Jr., Sikeston, Missouri, as a member of the State Board of Chiropractic Examiners, for a term ending three years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Doctor John C. Bull, term expired.

Doctor Kenneth H. Davis, 4035 Prospect Avenue, Kansas City, Missouri, as a member of the State Board of Chiropractic Examiners, for a term ending three years from the

time of his appointment and qualification and until his successor shall be appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, pp. 1099-1100

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

John J. Powers, Democrat, 6250 Westminster Place, St. Louis, Missouri, as a member of the State Highway Commission, for a term ending December 1, 1947, and until his successor is duly appointed and qualified; vice, George H. Davis, resigned.

William A. Snider, Republican, Albany, Missouri, as a member of the State Highway Commission, for a term ending December 1, 1945, and until his successor is duly appointed and qualified; vice, William C. Connett, resigned.

I designate Paul C. Jones, member of the State Highway Commission, as Chairman of the said State Highway Commission.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, p. 1100

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

H. B. Masterson, Hayti, Missouri, as a member of the Board of Curators of Lincoln University of Missouri, for a term ending January 1, 1950, and until his successor is duly appointed and qualified; vice, Joseph M. McCune, deceased.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, pp. 1100-1101

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Mark D. Eagleton, 3746 Grandel Square, St. Louis, Missouri, as a member of the Board of Police Commissioners for

the City of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Edwin Huffman, term expired.

Ben L. Liberman, 4605 Lindell Blvd., St. Louis, Missouri, as a member of the Board of Police Commissioners for the City of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Louis Shifrin, term expired.

Francis L. George, 6210 Westminster, St. Louis, Missouri, as a member of the Board of Police Commissioners for the City of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Thomas F. Muldoon, term expired.

Thomas H. Cobbs, 506 Olive Street, St. Louis, Missouri, as a member of the Board of Police Commissioners for the City of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Edwin B. Meissner, term expired.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, p. 1101

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I desire to hereby withdraw from your consideration the names of Doctor Major G. Seelig, 4954 Lindell Boulevard,

St. Louis, Missouri; W. Ed. Jameson, Fulton, Missouri; and Doctor Clifton Smith, 2502 Faraon Street, St. Joseph, Missouri, for appointment as members of the Cancer Commission for the State of Missouri.

Respectfully,

PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 27, 1945

From the Journal of the Senate, pp. 1101-1102

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

On June 27, 1945, I transmitted to you the name of Mark D. Eagleton as a member of the Board of Police Commissioners for the City of St. Louis, Missouri, and I gave his address as 3746 Grandel Square. However, his residence address is 4608 Tower Grove, St. Louis City. I respectfully request that his address be corrected to read 4608 Tower Grove instead of 3746 Grandel Square.

Respectfully,

PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 28, 1945

From the Journal of the Senate, pp. 1131-1132

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 28, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

John Q. Brown, Democrat, 7814 Forsythe Blvd., Clayton, Missouri, as a member and Chairman of the Board of Election Commissioners for the County of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Harold D. Carey, term expired.

Oscar Habenicht, Republican, 60 Fair Oaks, City of Ladue, St. Louis County, Missouri, as a member and Secretary of the Board of Election Commissioners for the County of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, L. John Weber, term expired.

Eugene G. Tighe, Democrat, 5501 Old Florissant Road, Normandy, St. Louis County, Missouri, as a member of the Board of Election Commissioners for the County of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, William O'Herin, term expired.

Elmer W. Held, Republican, 7811 Grove Avenue, Shrewsbury, St. Louis County, Missouri, as a member of the Board of Election Commissioners for the County of St. Louis, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Harry Richards, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 28, 1945

From the Journal of the Senate, p. 1132

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 28, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

George D. Clayton, Jr., Democrat, Hannibal, Missouri, as a member of the State Commission of Resources and Development, for a term ending November 31, 1945, and until his successor is duly appointed and qualified; vice, D. Howard Doane, resigned.

I designate the said George D. Clayton, Jr., as Chairman of the State Commission of Resources and Development.

D. W. Snyder, Republican, Jefferson City, Missouri, as a member of the State Commission of Resources and Development, for a term ending November 21, 1945, and until his successor is duly appointed and qualified; vice, Doctor H. A. Buehler, deceased.

I designate the said D. W. Snyder as Vice-Chairman of the State Commission of Resources and Development.

Bert Cooper, Democrat, Maryville, Missouri, as a member of the State Commission of Resources and Development, for a term ending November 21, 1947, and until his successor is duly appointed and qualified; vice, R. A. Johnston, deceased.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 28, 1945

From the Journal of the Senate, p. 1133

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 28, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Doctor Major G. Seelig, 4954 Lindell Boulevard, St. Louis, Missouri, as a member of the Cancer Commission for the State of Missouri, for a term ending at the pleasure of the Governor; vice, reappointment.

W. Ed Jameson, Fulton, Missouri, as a member of the Cancer Commission for the State of Missouri, for a term ending at the pleasure of the Governor; vice, Leo H. Johnson.

Doctor Clifton Smith, 2502 Faraon Street, St. Joseph, Missouri, as a member of the Cancer Commission for the State of Missouri, for a term ending at the pleasure of the Governor; vice, William M. Clark.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 28, 1945

From the Journal of the Senate, p. 1141

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 28, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Burney Fishback, Perry, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, reappointment.

John O. Newberry, Jefferson City, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, A. A. Jordan, term expired.

James A. Coder, Lewistown, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, A. B. Weyer, term expired.

J. Frank Hensley, Fulton, Missouri, as a member of the Board of Managers of the Missouri School for the Deaf, for a term ending February 1, 1947, and until his successor is duly appointed and qualified; vice, Waldo Smith, deceased.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 28, 1945

From the Journal of the Senate, pp. 1141-1142

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 28, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

On June 26, 1945, I reappointed Walter L. Rathmann, as a member of the State Board of Registration for Architects and Professional Engineers, subject to approval of the Senate.

I am now in receipt of a telegram from Mr. Rathmann advising me that he is unable to serve on this board. Therefore, I desire to withdraw from your consideration the name of Walter L. Rathmann and submit to you the following appointment, subject to the approval of the Senate:

W. Oscar Mullgardt, architect, 1620 Chemical Building, St. Louis, Missouri, as a member of the State Board of Registration for Architects and Professional Engineers, for a term ending six years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Walter L. Rathmann, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 16, 1945

From the Journal of the Senate, p. 1192

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 16, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return to you Senate Bill No. 86, entitled:

"AN ACT

"To repeal Section 9278 of Article 1, Chapter 51, Revised Statutes of Missouri, 1939, relating to eleemosynary institutions and the authority of the superintendent of the several eleemosynary institutions to control and manage them and superintendent's compensation, and to enact a new section in lieu thereof to be known as Section 9278, relating to the same subject matter, with an emergency clause."

On July 16, 1945, I approved said Senate Bill No. 86.

However, I wish to call attention to the fact that the Journal of the House on June 29, 1945, at page 1466, shows that the emergency clause received 98 votes, therefore, failed of adoption. On page 1487 of the Journal of the House on July 9, 1945, a correction of the House Journal of June 29 was made, showing two additional votes for the emergency clause, making the total vote 100. I seriously doubt if the House Journal of June 29 can be legally corrected in this manner, especially after the motion to lie on the table was adopted. For that reason I think the emergency clause failed.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 19, 1945

From the Journal of the Senate, p. 1195

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 19, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Paul Hamilton, 1005 West 55th Street, Kansas City, Missouri, as a member of the Board of Police Commissioners for Kansas City, Missouri, for a term ending July 8, 1949, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 24, 1945

From the Journal of the Senate, pp. 1201-1202

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 24, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return to you Senate Bill No. 32, entitled:

"An Act to make it valid for any person, a resident of Missouri, even though such person is under the age of twenty-one years, who served honorably in the active military or naval service of the United States at any time after September 16, 1940, and prior to the termination of the present war, to borrow money for certain specified purposes and to execute a deed of trust, mortgage, contract, agreement, conveyance or any other instrument in writing, as required under the provisions of the Servicemen's Readjustment Act of 1944, and to provide such person and his or her spouse shall not have the right to repudiate his written obligation because it was signed while he was under the age of twenty-one years, and validating contracts made by persons under the age of twenty-one years prior to the effective date of this Act in obtaining guaranties of loans under Servicemen's Readjustment Act of 1944, and empowering all persons residing or doing business in Missouri to make loans under the Servicemen's Readjustment Act of 1944, with an emergency clause."

On July 24, 1945, I approved said Senate Bill No. 32.

However, I wish to offer the following suggestion:

The last part of Section 2, page 3, lines 26 to 31, inclusive, is as follows:

"And any instrument executed prior to the effective date of this Act by a person in obtaining guaranty of a loan

under the Servicemen's Readjustment Act of 1944 only who is under the age of twenty-one years but not under the age of eighteen years when signing such instrument is hereby validated, ratified and confirmed."

I believe this part to be unconstitutional because it violates Section 13, Article I, of the Constitution of 1945, which provides as follows:

"Section 13. That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges or immunities, can be enacted."

I think the remainder of Section 2 is constitutional, but I call this to the attention of the General Assembly because the part which I believe to be unconstitutional may cause some unfortunate litigation in the future.

The fact that a part of Section 2 is unconstitutional does not render the whole section unconstitutional if the remainder of the section is complete within itself.

On this question the Supreme Court of Missouri in the case of Poole & Creber Market Co. v. Breshears, 125 S. W. (2d) 23, l. c. 32 said:

"Moreover, even if the legislative declaration above quoted should be held void, as unconstitutional, it would not affect the validity of the remainder of the statute. It is well settled that a statute may be sustained as constitutional in part though void in other parts, unless its provisions are so connected and interdependent that it cannot be presumed the legislature would have enacted one without the other. 'The test . . . is whether or not . . ., after separating that which is invalid, a law in all respects complete and susceptible of constitutional enforcement is left, which the Legislature would have enacted if it had known that the exscinded portions were invalid.' State ex rel. Audrain County v. Hackmann, 275 Mo. 534, 205 S. W. 12, 14. The rule is thus succinctly stated in State ex inf. Hadley v. Washburn, 167 Mo. 680, 697, 67 S. W. 592, 596, 90 Am. St. Rep. 430: 'Where the part of an act that is unconstitutional does not enter

into the life of the act itself, and is not essential to its being, it may be disregarded, and the rest remain in force.' That is the case before us. The declaration complained of may be eliminated and a law remains as complete and workable in every respect as it is with that declaration and which would be fully express and effectuate the obvious legislative purpose."

It is my opinion that the unconstitutional part does not enter into the life of the section itself and it may be disregarded and the rest of the section remain in force and effect.

However, I suggest that it might be advisable, while this General Assembly is in session, for another bill to be introduced, striking out of said Section 2 the above mentioned unconstitutional part.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JULY 27, 1945

From the Journal of the Senate, p. 1208

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 27, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return to you Senate Bill No. 47, entitled:

"AN ACT

"To repeal Section 11475 of Article 2, Chapter 76, Revised Statutes of Missouri, 1939, relating to elections and the counting of the votes cast by absent voters, and to enact a new section in lieu thereof relating to the same subject matter, and providing a method of selection of persons to open, canvass, count and certify said votes, to be known as Section 11475, with an emergency clause."

On July 27, 1945, I approved said Senate Bill No. 47.

However, I wish to call the following to the attention of the General Assembly:

This bill provides that the county court or board of election commissioners, as the case may be, shall have jurisdiction in the appointment of election judges and in each instance where the county court is mentioned the bill provides "or the board of election commissioners, as the case may be," with the exception that it does not so provide in lines 19 and 25 on page 2 of the printed bill Truly Agreed To and Finally Passed.

Line 19 directs the central committee of each of the two dominant political parties to furnish the *county court* with the list and does not authorize said committee to furnish such a list to *a board of election commissioners.* Line 25 authorizes the *county court* to select and appoint such election judges when the central committee of a party fails to submit a list of judges but does not authorize or empower *a board of election commissioners* to make the appointment under those circumstances.

If the General Assembly intended that a board of election commissioners should also exercise these powers and duties, the words "or a board of election commissioners, as the case may be," should have been added after the words "county court" in both lines 19 and 25.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JULY 31, 1945

From the Journal of the Senate, pp. 1209-1210

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 31, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Thomas E. Whitecotton, Huntington, Ralls County, Missouri, as a Commissioner of the Department of Penal Institutions, for a term of four years from August 1, 1945, and until his successor is appointed and qualified; vice, Lloyd I. Miller, resigned.

I designate the said Thomas E. Whitecotton as Director of Penal Institutions.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 6, 1945

From the Journal of the Senate, p. 1221

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 6, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Edward L. Clark, Rolla, Missouri, as State Geologist, for a term ending August 1, 1949, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 6, 1945

From the Journal of the Senate, p. 1221

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 6, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

D. P. Williams, 1 Crestwood Drive, Clayton, Missouri, as a member of the Missouri State Board of Accountancy, for a term ending five years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Erik C. Boye, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 6, 1945

From the Journal of the Senate, pp. 1221-1222

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 6, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor D. W. McKinnon, St. Joseph, Missouri, as a member of the Missouri Dental Board, for a term ending October 16, 1946, and until his successor shall be appointed and qualified; vice, Doctor Howard C. McCoy, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 6, 1945

From the Journal of the Senate, p. 1222

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 6, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Oliver J. Steppig, 3929 Iowa Avenue, St. Louis, Missouri, as a member of the Board of Pharmacy, for a term ending

five years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Will H. Harper, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 6, 1945

From the Journal of the Senate, pp. 1222-1223

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 6, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

On June 27, 1945, I appointed Vincent Murphy, 701 West 74th Street, Kansas City, Missouri, a member of the Board of Pharmacy, for a term ending July 2, 1946, to fill the unexpired term caused by the resignation of Ted O. Willard. On June 28, 1945, I was advised that Vincent Murphy, although the owner of several drug stores, is not licensed to practice pharmacy in Missouri and therefore not eligible for appointment to the Board of Pharmacy. I wish to withdraw from your consideration the name of Vincent Murphy and submit to you the following appointment, subject to the consent and approval of the Senate:

Clarence F. Wernel, 3629 West Roanoke Drive, Kansas City, Missouri, as a member of the Board of Pharmacy, for a term ending July 2, 1946, and until his successor is duly appointed and qualified; vice, Ted O. Willard, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 31, 1945

From the Journal of the Senate, p. 1227

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 31, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Hugh I. McSkimming, 604 Chestnut Street, St. Louis, Missouri, as State Inspector of Oils for a term of four years from September 1, 1945, and until his successor is appointed and qualified; vice, George Metzger, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE GENERAL ASSEMBLY

SEPTEMBER 4, 1945

From the Journal of the Senate, p. 1228

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
September 4, 1945.

To the Senate and House of Representatives of the 63rd General Assembly of the State of Missouri:

I have appointed Honorable Morris E. Osburn, Chairman of the Public Service Commission, and Colonel Hugh H. Waggoner, Superintendent of the Missouri State Highway Patrol, members of the Governor's Committee on Interstate Cooperation to serve with Honorable Clarence Evans, Chairman of

the State Tax Commission and ex-officio Budget Director, Honorable J. E. Taylor, Attorney General of Missouri, and Honorable Hugh Denney, Director of the Missouri State Department of Resources and Development, pursuant to an act of the 61st General Assembly of Missouri, found in Laws of Missouri, 1941, page 405.

I designate Honorable Morris E. Osburn as Chairman of the Governor's Committee on Interstate Cooperation.

The above Committee to serve with the House Committee on Interstate Cooperation and the Senate Committee on Interstate Cooperation.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE GENERAL ASSEMBLY

SEPTEMBER 5, 1945

From the Journal of the House of Representatives, p. 1515

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
September 5, 1945.

To the Senate and House of Representatives of the 63rd General Assembly of the State of Missouri:

In accordance with the provisions of Senate Committee Substitute for House Bill No. 161 of the 63rd General Assembly of Missouri, I have designated the State Commission of Resources and Development as the official agency of the State of Missouri to cooperate or negotiate with the Chief of Engineers or other authorities as designated in Public Law 534, 78th Congress, Chapter 665, 2d Session (H. R. 4485), or any amendment thereto.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE GENERAL ASSEMBLY

SEPTEMBER 5, 1945

From the Journal of the House of Representatives, pp. 1521-1522

Members of the Joint Session of the 63rd General Assembly:

It is singularly appropriate that the members of the General Assembly should meet in joint session this afternoon to commemorate V-J Day and to welcome the dawn of peace. No more fitting action could be taken by a representative, legislative body anywhere in the world than the meeting in this chamber. It is unusually significant that you, the chosen representatives of the people of this State, meet as you do today because Missouri has been the recipient of distinguished and unusual honors. As noted in your Concurrent Resolution, which called for this assemblage, the scene of the formal surrender of Japan was upon that mightiest of battleships, that queen of the greatest Navy this world has ever known—the magnificent *Missouri*. On the decks of that most powerful craft, named for our beloved State, representatives of the victorious Allied nations assembled to accept the surrender, which the representatives of the most arrogant and despotic Asiatic power since the days of Genghis Khan were compelled to sign. The history of our Nation and our State will always record the fact that the event transpired as it did. And Missourians of generations to come will take note of this signal honor and will be proud, as we are today, that of all the states of the Union, ours should have been chosen in this manner.

But we should be derelict, indeed, to all our deeper feelings and emotions if we did not recognize an even greater significance in these events. With the final surrender of the arrogant Japanese, the greatest of all wars was brought to a victorious close. The free nations of the world have conquered. Those who feared for the liberties of mankind may put aside this dread, and turn their thoughts to the ways and the problems of peace. Let us be equal to those days and those problems. Let us anticipate the future, and in our hearts and minds resolve to act with the same high courage

and the same noble ideals with which our fighting men and women gave their service to their country. Let us give of ourselves to that nobler future for which the world is waiting.

And with these thoughts in our hearts, let us remember those fallen heroes, the gallant youth of Missouri who made the supreme sacrifice that the ideals of free government and our way of life might endure. As for those young men and women whose names are so honorably inscrolled on memorials throughout this State, what can we say that will add to the honor and the glory that is theirs? What tribute can we pay to them that can adequately convey our devotion to them; those who so nobly performed the highest duty of citizenship during our country's awful trial; those who gave that last full measure of devotion that freedom might live? Their heroic experiences and supreme sacrifice will forever inspire in our youth, in all the years to come, the proud and glowing spirit of patriotism and love of country. With them in death, and honored with them by those who remain, is their Commander-in-Chief, who joined the bivouac of the heroic dead so short a time before victory bells were to ring. Let us not forget him, at this hour.

And so, we meet today, we commemorate the great surrender and V-J Day, we pause in this solemn moment of Thanksgiving. We lay aside the pressing problems of the moment, as we consecrate ourselves to the future, for the State which we have the honor to serve. Elected by the free votes of free citizens of the great free State of Missouri, we assemble to express our deep and profound feelings, evoked by great events which culminated in the final surrender of the enemies of this nation. May we find inspiration in the heroism of the days that are ending, and in this inspiration find the strength, the will and the vision to go forward into a new day, along new paths of honor and of duty. In no other way can we be worthy of those who fought and died for Missouri and for the United States of America. We are also mindful that, in these inspiring days of triumph another, and the greatest honor of all, has come to our State. The President of the United States is a Missourian. We take solemn, humble pride in that fact of history. And we ask Divine Guidance for him in these moments, as we express our gratitude to the Almighty for the

blessings of victory and the opportunities now offered to us in a peaceful world. May we find courage, and faith, and hope in His name to welcome that New Era which, God willing, can be the greatest the world has ever known.

[PHIL M. DONNELLY.]

TO THE SENATE

SEPTEMBER 7, 1945

From the Journal of the Senate, p. 1259

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
September 7, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Eugene W. Couey, Sedalia, Missouri, as a member of the Board of Probation and Parole for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Earl T. Crawford, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

SEPTEMBER 14, 1945

From the Journal of the Senate, p. 1279

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
September 14, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

O. J. Creach, Camdenton, Missouri, as a member of the Board of Probation and Parole for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Nelson B. Evans, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

SEPTEMBER 17, 1945

From the Journal of the Senate, p. 1279

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
September 17, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Paul V. Renz, Platte City, Missouri, as a Commissioner of the Department of Penal Institutions, for a term ending

August 3, 1949, and until his successor is appointed and qualified; vice, reappointment.

I designate the said Paul V. Renz, as Commissioner of Farms.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

SEPTEMBER 17, 1945

From the Journal of the Senate, p. 1280

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
September 17, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Henry Kenyon, Koshkonong, Missouri, as a member of the Board of Trustees, Fruit Experiment Station, for a term ending six years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Robert M. Hitt, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 11, 1945

From the Journal of the Senate, p. 1492

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 11, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Owen G. Jackson, Webster Groves, St. Louis County, Missouri, as Superintendent of the Insurance Department, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Edward L. Scheufler, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 16, 1945

From the Journal of the Senate, p. 1496

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 16, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Thomas R. Douglass, McBaine, Boone County, Missouri, as Commissioner of Agriculture, for a term ending four years

from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, John W. Ellis, term expired.

Respectfully submitted,
PHIL M. DONNELLY
Governor.

TO THE SENATE

OCTOBER 23, 1945

From the Journal of the Senate, p. 1542

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 23, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Rolla E. Stephens, Joplin, Missouri, as a member of the Missouri Real Estate Commission, for a term ending October 13, 1948, and until his successor is appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 23, 1945

From the Journal of the Senate, p. 1542

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 23, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor John C. Gordon, 8000 Seminole, St. Louis County, Missouri, as a member of the Missouri Dental Board, for a term ending October 16, 1950, and until his successor is appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 24, 1945

From the Journal of the Senate, p. 1560

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 24, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Proctor N. Carter, Columbia, Missouri, as State Administrator of the State Social Security Commission for a term

ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Parke M. Banta, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

NOVEMBER 13, 1945

From the Journal of the Senate, pp. 1741-1742

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
November 13, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Everett Johns, architect, St. Joseph, Missouri, as a member of the State Board of Registration for Architects and Professional Engineers, for a term ending six years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, reappointment.

Bruce Williams, professional engineer, Joplin, Missouri, as a member of the State Board of Registration for Architects and Professional Engineers, for a term ending six years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Ernest E. Howard, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

NOVEMBER 14, 1945

From the Journal of the Senate, p. 1749

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
November 14, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Floyd W. Jones, Democrat, Springfield, Missouri, as a member of the Athletic Commission of the State of Missouri, for a term ending at the pleasure of the Governor; vice, Arthur G. Heyne.

William H. Herring, Democrat, 7716 Ivory Avenue, St. Louis, Missouri, as a member of the Athletic Commission of the State of Missouri, for a term ending at the pleasure of the Governor; vice, Ray L. Shubert.

John J. Robison, Republican, Maysville, Missouri, as a member of the Athletic Commission of the State of Missouri, for a term ending at the pleasure of the Governor; vice, Harry C. Dodson.

I designate the said Floyd W. Jones as Chairman of the Athletic Commission of the State of Missouri.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

DECEMBER 7, 1945

From the Journal of the Senate, pp. 1953-1954

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
December 7, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return to you Senate Bill No. 194, entitled:

"AN ACT

"To repeal Sections 2522 to 2811, both inclusive, and amendments thereto, being all of Chapter 11, Revised Statutes of Missouri, 1939; an act of the 61st General Assembly found in the Laws of Missouri, 1941 at pages 415 and 416, approved August 4, 1941, relating to justices of the peace in townships containing 75,000 and not over 125,000 inhabitants; and an act of the 62nd General Assembly found in Laws of Missouri, 1943, pages 623 to 627, approved July 16, 1943 relating to justices of the peace in counties from 200,000 to 400,000 inhabitants; all of said acts and sections relating to the organization of justice courts and the procedure in justice courts generally; and providing for an effective date."

On December 7, 1945, I approved said Senate Bill No. 194.

I call your attention to the fact that an act of the 61st General Assembly, found in the Laws of Missouri, 1941, at page 414, is not specifically mentioned in this bill, although said act is a part of Chapter 11. However, the general repealing clause may have the effect of repealing it.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

DECEMBER 12, 1945

From the Journal of the Senate, p. 2007

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

December 12, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Mrs. Della J. Ream, Kirksville, Missouri, as a member of the Board of Examiners and Registrars of Nurses, for a term ending December 1, 1948, and until her successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

DECEMBER 12, 1945

From the Journal of the Senate, p. 2007

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

December 12, 1945.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

William A. Snider, Republican, Albany, Missouri, as a member of the State Highway Commission, for a term ending

December 1, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JANUARY 16, 1946

From the Journal of the Senate, p. 2204

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
January 16, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

George D. Clayton, Jr., Democrat, Hannibal, Missouri, as a member of the State Commission of Resources and Development, for a term ending November 21, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

I designate the said George D. Clayton, Jr., as Chairman of the State Commission of Resources and Development.

D. W. Snyder, Jr., Republican, Jefferson City, Missouri, as a member of the State Commission of Resources and Development, for a term ending November 21, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

I designate the said D. W. Snyder, Jr., as Vice-Chairman of the State Commission of Resources and Development.

Allen P. Green, Jr., Democrat, Mexico, Missouri, as a member of the State Commission of Resources and Development, for a term ending November 21, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Louis H. Breuer, Republican, Rolla, Missouri, as a member of the State Commission of Resources and Development, for a term ending six years from the time of his appointment and qualification and until his successor is duly appointed and qualified; vice, Paul Kelleter, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JANUARY 18, 1946

From the Journal of the Senate, p. 2248

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
January 18, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return to you Senate Bill No. 303, entitled:

"AN ACT

"To repeal Sections 10470, 10491, 10492, 10495, 10499, 10500, 10501, and 10502 of Article V, Chapter 72, Revised Statutes of Missouri, 1939; and also an act of the Sixty-first General Assembly, approved June 27, 1941, pages 545 and 546, Laws of Missouri, 1941; also an act of the Sixty-second General Assembly, approved August 2, 1943, pages 887 and 888, Laws of Missouri, 1943, relating to laws applicable to city, town and consolidated schools and to enact in lieu thereof, nine new sections to be known as Sections 10470, 10487a, 10491, 10492, 10495, 10499, 10500, 10501, and 10502, relating to the same subject matter, giving the state board of education and the state commissioner of education certain powers and duties heretofore vested in the state superintendent of public schools."

On January 18, 1946, I approved said Senate Bill No. 303.

I call attention to the fact that Section 10501, Article 5, Chapter 72, Revised Statutes of Missouri, 1939, included in Senate Bill No. 303, was amended by an act of the 61st General Assembly, approved June 12, 1941, Laws of Missouri, 1941, pages 536 and 537, but said act is not mentioned in this bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 18, 1946

From the Journal of the House of Representatives, pp. 2636-2637

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
January 18, 1946.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return to you House Bill No. 704, entitled:

"AN ACT

"To amend Section 7373, Article 11, Chapter 38, Revised Statutes of Missouri, 1939, relating to assessment of damages to private property for public use by municipal corporations, by striking out of said section after the word 'of' in line 9 the words 'Section 21 of Article 11' and by inserting in lieu thereof the words 'Section 26, Article 1.' "

On January 18, 1946, I approved said House Bill No. 704.

The only change sought to be made in this bill is striking out of line 9 of Section 7373 the following: "Section 21 of Article II" and by inserting in lieu thereof the following: "Section 26, Article I," in order that said section would com-

ply with the provisions of the Constitution of 1945. However, the following error appears in the original bill and was not corrected in its passage through the General Assembly: The Roman numeral II (two) is written 11 (eleven).

It is my opinion that if any question should be raised in regard to this error that the courts would probably hold that the General Assembly intended to strike out of Section 7373, Section 21 of *Article II* (two) although the bill is written Section 21 of *Article 11* (eleven).

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JANUARY 21, 1946

From the Journal of the Senate, p. 2247

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
January 21, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office under the provisions of House Committee Substitute for House Bill No. 528 of the 63rd General Assembly:

Clarence Evans, Democrat, Paris, Missouri, as a member of the State Tax Commission for a term ending six years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, reappointment.

Jesse A. Mitchell, Republican, Ava, Missouri, as a member of the State Tax Commission for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, reappointment.

Charles A. Miller, Democrat, 20 West 36th Street, Kansas City, Missouri, as a member of the State Tax Commission for a term ending two years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, John T. Waddill.

I designate the said Clarence Evans as Chairman of the State Tax Commission.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JANUARY 23, 1946

From the Journal of the Senate, p. 2304

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

January 23, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office under the provisions of House Bill No. 481 of the 63rd General Assembly:

F. M. Horton, Flat River, Missouri, as the Supervisor of Savings and Loan Associations, for a term ending at the pleasure of the Governor; vice, reappointment.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

FEBRUARY 2, 1946

From the Journal of the Senate, pp. 2425-2426

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 2, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return to you Senate Bill No. 308, entitled:

"AN ACT

"To repeal Sections 10443, 10456, 10458, 10459, 10461, and 10464 of Article IV, Chapter 72, Revised Statutes of Missouri, 1939: also Section 10463, Revised Statutes of Missouri, 1939, as amended by an act of the Sixty-second General Assembly, approved March 3, 1943, found at pages 888 and 889, Laws of Missouri, 1943; and also an act of the Sixty-second General Assembly, approved March 5, 1943, pages 906 to 908, Laws of Missouri, 1943; relating to forming of enlarged school districts, duties of certain officers; to provide tax rates, quotas and apportionment; organization of teaching units; tuition of certain pupils to be paid by district, how determined; assignment of pupils, and providing for abandonment of certain buildings and grantng of state aid, and to enact in lieu thereof eight new sections to be known as Sections 10443, 10454, 10456, 10458, 10459, 10461, 10463 and 10464 relating to the same subject."

On February 2, 1946, I approved said Senate Bill No. 308.

It is my opinion that the words "state board of equalization" in line 30, page 3, Section 10454, Senate Bill No. 308, should have been stricken out and the words "State Tax Commission" inserted in lieu thereof. The law relating to the State Board of Equalization was repealed by House Bill No. 529, approved December 19, 1945. In line 8 of the title the

word "March" should be "August"; this same error appears on page 2 in line 8, Section 1.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 4, 1946

From the Journal of the Senate, p. 2426

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 4, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return to you Senate Bill No. 310, entitled:

"AN ACT

"To repeal Sections 10504 to 10517, both inclusive, being all of Article 6, Chapter 72, Revised Statutes of Missouri, 1939, relating to consolidated high school districts in counties having a population of more than two hundred thousand inhabitants and less than three hundred and fifty thousand inhabitants."

On February 4, 1946, I approved said Senate Bill No. 310.

I wish to call attention to the fact that Section 10509, Revised Statutes of Missouri, 1939, is repealed by this bill (Senate Bill No. 310); this same section, 10509, was repealed and re-enacted by Senate Bill No. 209 which I approved on February 1, 1946. In view of the fact that I have approved Senate Bill No. 310 on February 4, 1946, it is my opinion that Section 10509, included in Senate Bill No. 209, is repealed by Senate Bill No. 310 for the reason that Senate Bill No. 310 was the last bill approved.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 4, 1946

From the Journal of the Senate, p. 2427

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 4, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Frank T. Hodgdon, Hannibal, Missouri, as a member of the Cancer Commission for the State of Missouri, for a term ending at the pleasure of the Governor; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 4, 1946

From the Journal of the Senate, p. 2427

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 4, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Ernest W. Cooper, Democrat, Lee's Summit, Missouri, as a member and Chairman of the Board of Election Commissioners for Jackson County, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Edwin S. Carroll, term expired.

John W. Mitchell, Republican, Route 3, Box 761, Independence, Missouri, as a member and Secretary of the Board of Election Commissioners for Jackson County, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, C. Roy Layland, term expired.

Fred Redford, Democrat, Route 5, Independence, Missouri, as a member of the Board of Election Commissioners for Jackson County, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, John M. P. Miller, term expired.

Harvey Roney, Republican, 11514 Winner Road, Independence, Missouri, as a member of the Board of Election Commissioners for Jackson County, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Rex V. Hedrick, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 18, 1946

From the Journal of the Senate, pp. 2602-2603

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 18, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return to you Senate Bill No. 193, entitled:

"AN ACT

"To provide for jurisdiction for magistrate courts in cases of misdemeanor; to provide the manner and form

of practice and procedure in cases of misdemeanor in such courts; to provide for the duties of the clerk of the magistrate court in such proceeding and the duty of the circuit court and clerk thereof on appeals; to provide for the giving of recognizance of witnesses and of the defendant in certain cases; to provide for the collection of costs; and to provide for the effective date of this act."

On February 18, 1946, I approved said Senate Bill No. 193.

I wish to call attention to the following:

On page 4, Section 6, line 3, the word "if" should be "is."

On page 8, Section 24, line 2, the word "in" should be inserted after the word "be" and before the word "writing."

I believe the Secretary of State can insert these words in parenthesis in their proper places in compiling the Session Acts.

On page 11, Section 30, line 2, the word "section" should have been "act," but I doubt if the Secretary of State would be authorized to place the word "act" in parenthesis after the word "section" because it might be construed as changing the meaning of the section.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

FEBRUARY 18, 1946

From the Journal of the Senate, p. 2605

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 18, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return to you Senate Bill No. 345, entitled:

"AN ACT

"To repeal Sections 14571, 14572, 14575, and 14577, of Chapter 104 of the Revised Statutes of Missouri, 1939, relating to proceedings for the enforcement of laws pertaining to fences and enclosures, and to enact four new sections in lieu thereof, relating to the same subject matter, to be known as Sections 14571, 14572, 14575, and 14577, and providing for an effective date."

On February 18, 1946, I approved said Senate Bill No. 345.

I wish to call attention to the following:

On page 3, Section 14575, line 5, the word "township" should have been stricken out and the word "county" inserted in lieu thereof; also, in line 8 of said Section 14575, the word "justice" should have been stricken out and the word "magistrate" inserted in lieu thereof.

Also, on page 3, Section 14577, line 4, the word "township" should have been stricken out and the word "county" inserted in lieu thereof.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MARCH 4, 1946

From the Journal of the Senate, p. 2818

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 4, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Richard Johnson, 2420 St. Joseph Avenue, St. Joseph, Missouri, as a member of the Board of Police Commissioners for the City of St. Joseph, Missouri, for a term ending February 19, 1949, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 6, 1946

From the Journal of the Senate, p. 2900

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 6, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

John A. Harris, Columbia, Missouri, as Commanding General of the Missouri National Guard, and all the Military Forces of the State of Missouri, with rank of Brigadier General; vice, Lewis M. Means, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 6, 1946

From the Journal of the Senate, p. 2905

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 6, 1946.

Mr. Kirk Jones, Secretary, Missouri State Senate, Jefferson City, Missouri.

Dear Mr. Jones.

Please convey to the members of the State Senate my sincere thanks for the beautiful bouquet of flowers, and the enrolled copy of the resolution adopted today by the Senate in honor of my birthday. I deeply appreciate the thoughtfulness of the Senate in doing this.

With kindest regards, I am

Sincerely,
PHIL M. DONNELLY.

TO THE HOUSE OF REPRESENTATIVES

MARCH 18, 1946

From the Journal of the House of Representatives, p. 3577

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 18, 1946.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return to you House Committee Substitute for House Bill No. 765, entitled:

"AN ACT

"To repeal Sections 11074, 11077, 11085, 11090, 11093, 11095, 11098, 11099, 11101 and 11105, of Article

8, Chapter 74, Revised Statutes of Missouri, 1939, relating to collectors and the collection of taxes, and to enact in lieu thereof ten new sections relating to the same subject to be known as Sections 11074, 11077, 11085, 11090, 11093, 11095, 11098, 11099, 11101 and 11105."

On March 18, 1946, I approved said House Committee Substitute for House Bill No. 765.

I call attention to the fact that on page 5, Section 11101, lines 9 and 10, the words "an affidavit" should have been inserted after the comma following the word "Revenue" or before the word "setting" in line 10. The words "an affidavit" are in Section 11101, Revised Statutes of Missouri, 1939. Unless the words "an affidavit" or the word "certificate" or "statement" or some similar word is used the sentence is indefinite as to what the collector shall transmit to the Director of Revenue. I think a bill should be introduced to correct Section 11101 of this bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 18, 1946

From the Journal of the House of Representatives, pp. 3582-3583

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 18, 1946.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return to you House Bill No. 864, entitled:

"AN ACT

"To repeal Section 10971A as contained in an act of the 61st General Assembly, approved July 30, 1941, found in Laws of Missouri, 1941, page 714, relating to the land

list in counties of 400,000 to 700,000 inhabitants, and to enact in lieu thereof a new section, relating to the same general subject matter and applying to all counties of class one, to be known as Section 10971A."

On March 18, 1946, I approved said House Bill No. 864.

However, I wish to call your attention to the following words on page 3, Section 10971A, line 52, "for the use and benefit of the county." It is my opinion that these words conflict with the provisions of Section 7, Article IX, of the Constitution of 1945. Said section provides as follows:

". . . the clear proceeds of all penalties, forfeitures and fines collected hereafter for any breach of the penal laws of the State, . . . shall be distributed annually to the schools of the several counties according to law."

House Bill No. 864 provides a penalty for the failure of a recorder to make up a land list in the manner described and provides for the procedural method of recovering the penalty.

The wording of the Constitution of 1875 and also the wording of the amendment adopted November 7, 1944, is very similar to Section 7, Article IX, of the Constitution of 1945. The courts have construed this wording to mean that penalties, fines, and forfeitures shall be paid to the school funds of the several counties of the State. I call your attention to the following cases: State ex rel. Jones v. Howe Scale Co., 253 Mo. 63; State ex rel. Lay v. Arthur Greenfield, 205 S. W. 619; State v. Bockstruck, 136 Mo. 335; State v. St. Louis, Iron Mountain & Southern Ry. Co., 253 Mo. 642. I think the proceeds of the penalty provided for in this act should be paid into a fund which shall be distributed to the schools of the several counties as provided in Section 7, Article IX, Constitution of 1945, and that the proceeds of said penalty are not "for the use and benefit of the county," as provided for in House Bill No. 864.

I do not believe that the words "for the use and benefit of the county" in line 52 on page 3, affect the remainder of the act, so, therefore, I have approved House Bill No. 864

but suggest that a bill be introduced to correct the unconstitutional portion of this bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 26, 1946

From the Journal of the House of Representatives, p. 3807

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 26, 1946.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return to you House Committee Substitute for House Bill No. 536, entitled:

"AN ACT

"To repeal Article 18, Chapter 74, Revised Statutes of Missouri, 1939, relating to taxation of merchants, and to enact in lieu thereof twenty-eight new sections relating to the same subject matter and to be numbered, 11303, 11304, 11305, 11306, 11307, 11308, 11309, 11309a, 11310, 11311, 11312, 11313, 11314, 11315, 11316, 11317, 11318, 11319, 11320, 11321, 11322, 11323, 11324, 11325, 11326, 11327, 11328, and 11329, with an emergency clause."

On March 26, 1946, I approved said House Committee Substitute for House Bill No. 536.

I wish to call attention to the following:

On page 12, Section 11328, line 4, the word and figure "Section 5" evidently refers to Section 11306, as that is the section that pertains to the execution of a bond. As a suggestion I think the Secretary of State, when the Session Acts are printed, should place the figures "11306" in parenthesis after the figure "5" in said line 4 on page 12.

In Section 1, line 9, the words "with an emergency clause" should have been stricken out.

On page 8, Section 11311, line 8, the words "to each" should have been stricken out.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 29, 1946

From the Journal of the House of Representatives, p. 3986

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 29, 1946.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return to you House Bill No. 652, entitled:

"AN ACT

"To repeal an act of the 62nd General Assembly, approved July 27, 1943, found in Laws of Missouri, 1943, pages 1012 to 1029, inclusive, relating to and known as the 'Sales Tax Act', and to enact 50 new sections in lieu thereof to be known as Sections 11407 to 11455A both inclusive, relating to the same subject, to be known as the 'Sales Tax Act' with an emergency clause."

On March 29, 1946, I approved said House Bill No. 652.

I wish to call attention to the following:

On page 19, Section 11449, lines 3, 6, 7 and on page 20, line 13, the word and figure "Section 6" should have been "Section 11411."

On page 21, Section 11453, lines 1 and 2, the word and figure "Section 4" should have been "Section 11409."

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

APRIL 5, 1946

From the Journal of the House of Representatives, p. 4017

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 5, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Bill No. 886, entitled:

"AN ACT

"To repeal an Act of the 61st General Assembly, approved August 2, 1941, found in Laws of Missouri, 1941, on pages 339 and 340, providing for a law library fee in civil actions and for the maintenance of a law library in counties containing 200,000 to 400,000 inhabitants, and to enact in lieu thereof three new sections relating to the same subject, in counties of Class 1."

On April 5, 1946, I approved said House Bill No. 886.

However, I wish to make this comment. In the title and also in the enacting clause in Section 1, it states that the act of the 61st General Assembly, found in Laws of Missouri, 1941, at pages 339 and 340, was approved August 2, 1941. This is an error, it was approved June 12, 1941: see page 340, Laws of Missouri, 1941.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

APRIL 5, 1946

From the Journal of the House of Representatives, p. 4018

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 5, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Committee Substitute for House Bill No. 796, entitled:

"AN ACT

"To repeal Sections 8715 and 8716 of Article 11, Chapter 46, Revised Statutes of Missouri, 1939, relating to special benefit assessment road districts in counties not under township organization, and to enact in lieu thereof one new section relating to the same subject matter, to be known as Section 8715."

On April 5, 1946, I approved said House Committee Substitute for House Bill No. 796.

However, I wish to call attention to the following:

On page 1, Section 8715 states in substance that county courts shall cause to be set aside and placed to the credit of each road district so incorporated four-fifths of the tax collected and paid by authority of Section 8527. This section (Section 8527) specifically provides that the county court may levy and collect a special tax not exceeding twenty-five cents on each one hundred dollars valuation to be used for road and bridge purposes, but for no other purposes whatever. (Underscoring mine.)

House Committee Substitute for House Bill No. 796, Section 8715, commencing in line 5, states in substance that all revenue set aside and placed to the credit of the road district shall be used for constructing, repairing and maintaining bridges and culverts within the district, and also working, repairing, maintaining and dragging public roads within the

district, all of which I think is within the provisions of Section 8527 where it states "to be used for road and bridge purposes"; however, on page 2, lines 10, 11 and 12 of said Section 8715, it further states "and paying legitimate administrative expenses of the district, and for such other purposes as may be authorized by law." I think this provision is too general and outside the scope of the provisions of Section 8527 wherein it says "to be used for road and bridge purposes, but for no other purposes whatever."

I do not think this provision will invalidate the entire bill and for that reason I have approved the bill but want to specifically call attention to this general provision.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

APRIL 6, 1946

From the Journal of the Senate, pp. 3492-3493

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 6, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Bill No. 453, entitled:

"AN ACT

"To repeal Sections 9454, 9456, 9457, and 9458 of Article 1, Chapter 54, of the Revised Statutes of Missouri of 1939, relating to pensions to deserving blind, and to enact in lieu thereof four new sections relating to the same subject matter, to be known as Sections 9454, 9456, 9457, and 9458, with an emergency clause."

On April 6, 1946, I approved said Senate Bill No. 453.

However, I wish to call attention to the following:

Section 9457 included in this bill (Senate Bill No. 453) was repealed and reenacted by Committee Substitute for House Bill No. 116 of the 63rd General Assembly approved April 24, 1945.

Said Section 9457 in this bill (Senate Bill No. 453) is the same as Section 9457 in Committee Substitute for House Bill No. 116 except the word "Comptroller" is used in Senate Bill No. 453 instead of the words "State Auditor" used in Committee Substitute for House Bill No. 116.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

APRIL 6, 1946

From the Journal of the House of Representatives, p. 4020

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 6, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Committee Substitute for House Bill No. 468, entitled:

"AN ACT

"To repeal Sections 11039, 11040, 11041, 11042, 11043, 11044, 11045, 11046, and 11047 of Article 6, Chapter 74, Revised Statutes of Missouri, 1939, relating to levy of tax rates, and to enact in lieu thereof ten new sections, relating to the same subject, to be known as Sections 11039, 11039a, 11040, 11041, 11042, 11043, 11044, 11045, 11046, and 11047, with an emergency clause."

On April 6, 1946, I approved said House Committee Substitute for House Bill No. 468.

However, I wish to call attention to the following:

Section 11046, Revised Statutes of Missouri, 1939, was repealed and reenacted by an act of the 62nd General Assembly, Laws of Missouri, 1943, pages 1008 and 1009.

Said Section 11046 was repealed by House Bill No. 465 of the 63rd General Assembly which was approved January 25, 1946.

Also, there is included in this bill (House Committee Substitute for House Bill No. 468) Section 11039a. There was a Section 11039a added to this article (Article 6, Chapter 74, Revised Statutes of Missouri, 1939) by an act of the 62nd General Assembly found in Laws of Missouri, 1943, at page 1066. This act of the 62nd General Assembly was not specifically repealed by House Committee Substitute for House Bill No. 468. As House Committee Substitute for House Bill No. 468 is a later enactment I suppose it will repeal by implication Section 11039a of the 62nd General Assembly.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

APRIL 10, 1946

From the Journal of the House of Representatives, pp. 4024-4025

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 10, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Committee Substitute for House Bill No. 872, entitled:

"AN ACT

"To provide for the salary and compensation of sheriffs in counties of the fourth class; providing for the appointment and compensation of deputies and assistants, providing for the collection and disbursement of fees by such sheriffs; providing for the administration of jails in such counties, and providing a penalty for violations of said act, with an effective date."

On April 10, 1946, I approved said House Committee Substitute for House Bill No. 872.

However, I wish to call attention to the following:

It is my opinion that Section 5, page 3, of House Committee Substitute for House Bill No. 872 conflicts with Section 13414, Revised Statutes of Missouri, 1939, with reference to the traveling expenses allowed the sheriff.

Also, that Section 4, page 3, of House Committee Substitute for House Bill No. 872 conflicts with Section 13416, Revised Statutes of Missouri, 1939, in regard to the allowance to the sheriff for board of prisoners. I think Section 13414 and Section 13416 should be repealed.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

APRIL 11, 1946

From the Journal of the House of Representatives, p. 4034

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 11, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Bill No. 673, entitled:

"AN ACT

"To repeal Sections 4875, 4876, 4884, 4886, 4888, 4898, 4900, 4901, 4902, 4916, 4922, 4923, 4925, 4926, 4928, 4930, and 4931 of Article 1, Chapter 32, Revised Statutes of Missouri, 1939, relating to the Liquor Control Act, and to enact seventeen new sections to be known as Sections 4875, 4876, 4884, 4886, 4888, 4898, 4900, 4901, 4902, 4916, 4922, 4923, 4925, 4928, 4930, 4931 and 4948a, relating to the same subject."

On April 11, 1946, I approved said House Bill No. 673.

However, I wish to call attention to the following:

On page 10, Section 4901, line 43, the word and figure "Article 1" should be "Article 2." Also, on said page 10, line 57, the word "or" between the words "character" and "intoxicating" should be "of."

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

APRIL 12, 1946

From the Journal of the Senate, p. 3493

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 12, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Bill No. 159, entitled:

"AN ACT

"To amend Section 10734 of Article 19, Chapter 72, of the Revised Statutes of Missouri, 1939, relating to contracts for furnishing supplies in school districts in cities of five hundred thousand inhabitants or over, by

striking out of Section 10734 the word 'fifty' in line ten thereof and inserting in lieu thereof the words 'five hundred'."

On April 12, 1946, I approved said Senate Bill No. 159.

However, I wish to call attention to the following:

In the title of this bill and also in Section 1, it states that the word "fifty" in line ten of Section 10734 is stricken out and the words "five hundred" inserted in lieu thereof. The title and Section 1 should read "line seventeen" instead of "line ten."

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

APRIL 16, 1946

From the Journal of the Senate, pp. 3495-3497

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 16, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Bill No. 239, entitled:

"AN ACT

"Providing for the organization into a magistrate court with divisions, of magistrates for districts lying wholly within any city of more than 600,000 inhabitants, and for the administration of such courts; providing for the duties, powers and jurisdiction of such courts, and for the election, terms and duties of constables for such courts; providing for the salaries of the chief magistrate, magistrates, chief clerk, deputy clerks, chief constable, constables and deputy constables, and the payment of the

salaries and expenses of such courts; providing a magistrate fee of $6.00 and the fees and bonds of constables, and increasing the bonds of the chief clerk and his deputies; providing for the auditing of the accounts of the chief clerk and the constables; providing that such courts shall be courts of record and that such a court and its divisions shall sit in one place, and providing for the classification and distribution of the business of such courts, and requiring the county to furnish such courts with court rooms, offices, equipment, supplies and other necessities, with an emergency clause."

On April 16, 1946, I approved said Senate Bill No. 239. However, I wish to call attention to the following:

This bill evidently was intended to apply to the City of St. Louis. However, on page 2, Section 1, lines 1, 2, and 3, it states "All of the magistrates elected or appointed for districts lying wholly within any city of more than 600,000 inhabitants in any county of this state . . ." (Underscoring mine.) There is no city in Missouri of more than 600,000 inhabitants in a county. Another bill, Senate Bill No. 207, which has been passed and approved, provides for the magistrate courts in all of the counties of Missouri.

On page 4, Section 9, lines 1 to 4 inclusive, there is this same reference of a city of more than 600,000 inhabitants in any county in this State.

On page 2, Section 2, line 3, I think the word "county" should be stricken out and the word "city" inserted in lieu thereof. In other words, if this bill applies to the City of St. Louis it should so state and not be confused with the provisions of a law applicable to the counties.

On page 3, Section 5, line 3, in referring to the salaries of the magistrates and clerks of the court, it provides that they shall be fixed and paid as provided by general law for other magistrates and clerks in such counties. There are no "such counties," that is, counties containing a city of 600,000 inhabitants. Said Section 5, line 16, in referring to the salaries of the chief constable, constables, and deputy constables, states that the salaries shall be paid by the county and the county shall be entitled to all of their fees, etc. I think the

word "county" should be stricken out and the word "city" inserted in lieu thereof.

In the title, in line 18 thereof, there is a provision requiring the county to furnish such courts with court rooms, offices, equipment, supplies, etc. However, the title states that it is "An Act providing for the organization into a magistrate court with divisions, of magistrates for districts lying wholly within any city of more than 600,000 inhabitants etc." This part of the title clearly shows that the bill applies to districts lying within a city of more than 600,000 inhabitants. No mention is made of said city being in a county.

On page 4, Section 7, line 1, the word "county" where it first appears in said line should be stricken out and the word "city" inserted in lieu thereof.

On page 6, line 18, Section 12, I am of the opinion that the words "county treasurer" should be stricken out and the words "city treasurer" inserted in lieu thereof. The same correction should be made in line 22 on page 6 of Section 12.

The emergency clause on page 6, Section 13, refers to the organization into a court with divisions of magistrates for districts lying wholly within cities of more than 600,000 inhabitants, etc. No reference is made in said emergency clause to said city being in a county.

Although there is no city in Missouri of 600,000 inhabitants in a county I am of the opinion that the legislature intended this act to apply to the City of St. Louis and this is borne out by the statement in the title and also in the emergency clause.

Section 31, Article VI of the Constitution of 1945 states:

> "The city of St. Louis, as now existing, is recognized both as a city and as a county unless otherwise changed in accordance with the provisions of this Constitution . . ."

While it is true that St. Louis is recognized, under the above constitutional provision, both as a city and as a county, however, it is my opinion, that the provisions of this bill should specifically refer to the City of St. Louis in view of the fact that Senate Bill No. 207 applies to the counties.

I have approved this bill but suggest that a bill be introduced at this session of the General Assembly correcting these

errors so there will be no question but what this bill applies to the City of St. Louis.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

APRIL 19, 1946

From the Journal of the Senate, pp. 3498-3499

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 19, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Bill No. 371, entitled:

"AN ACT

"To repeal Section 6098b of an act of the 63rd General Assembly, approved April 28, 1945, known as Senate Bill No. 74, relating to taxation of insurance companies and to enact in lieu thereof a new section to be known as Section 6098b, relating to the same subject."

On April 19, 1946, I approved said Senate Bill No. 371. However, I wish to call attention to the following:

On page 2, line 31, Section 6098b, reference is made to Sections 6100 and 6102. These two sections have been repealed and reenacted by House Bill No. 887, of the 63rd General Assembly, and this fact should be noted in construing the provisions of Senate Bill No. 371.

Also, on page 2, lines 36 and 37, Section 6098b, reference is made to the purposes set forth in Section 6095, Revised Statutes of Missouri, 1939. Said Section 6095 creates the County Foreign Insurance Tax Fund. There are no "purposes" set forth in said Section 6095. The apportionment of

the County Foreign Insurance Tax Fund is provided for in Section 6097, which has been repealed and reenacted by House Bill No. 887 of the 63rd General Assembly. After the apportionment has been made, then under the provisions of Section 10462 the county clerk of each county shall apportion the money among the various school districts in each county.

In order to clarify the meaning of the words "for the purposes set forth in Section 6095" I think this bill should be amended to include Section 6097 as reenacted by House Bill No. 887 of the 63rd General Assembly and also Section 10462.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

APRIL 19, 1946

From the Journal of the Senate, p. 3499

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 19, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Bill No. 372, entitled:

"AN ACT

"To repeal Sections 6301, 6302, 6303, 6304, 6306, 6307, and 6348 of Article 2, Chapter 38, Revised Statutes of Missouri 1939 relating to the assessment and collection of taxes in cities of the first class and to enact in lieu thereof seven new sections, relating to the same subject matter, to be known as Sections 6301, 6302, 6303, 6304, 6306, 6307, and 6348, with an emergency clause."

On April 19, 1946, I approved said Senate Bill No. 372.

However, I wish to call attention to the following:

I believe the words "next preceding such fiscal year," on page 3, line 5, Section 6303, should be stricken out. Under Section 3 of Article 10 of the Constitution of 1945 all taxes are to be levied and collected in the same year. Therefore, the delivering to the assessor of a list next preceding such fiscal year would conflict with said provisions of the Constitution.

I believe it would be advisable to introduce a bill to amend this section as above suggested.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

APRIL 19, 1946

From the Journal of the Senate, pp. 3499-3500

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 19, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Bill No. 424, entitled:

"AN ACT

"To repeal Sections 9982, 9984, 9987, 9989 and 9990 of Article 1, Chapter 59, of the Revised Statutes of Missouri, 1939, also Section 9983, Laws of Missouri, 1939, as amended by an act of the 61st General Assembly, approved July 22, 1941, pages 418-420, Laws of Missouri, 1941; also an act of the 61st General Assembly, approved August 2, 1941, pages 420-422, Laws of Missouri, 1941, all relating to the practice of medicine, surgery, and midwifery in the State of Missouri, and to enact in lieu thereof 11

new sections to be known as Sections 9982, 9983, 9984, 9987, 9989, 9990, 9992a, 9992b, 9992c, 9992d and 9992e, relating to the same subject, and transferring to the State Board of Medical Examiners certain powers and duties heretofore vested in the State Board of Health."

On April 19, 1946, I approved said Senate Bill No. 424. However, I wish to call attention to the following:

In the title, in line 5, it should read "July 28" instead of "July 22." Also, on page 2, line 5, Section 1, it should read "July 28" instead of "July 22."

I wish to call attention to the fact that on page 5, there is a section designated as Section 9988. This section is not referred to in the title of Senate Bill No. 424 nor in Section 1. There is a Section 9988 in the 1939 Revised Statutes. This section has not been repealed by Senate Bill No. 424, nor any other bill. In view of the fact that said Section 9988 on page 5 of Senate Bill No. 424 is not referred to in the title I do not believe that said section would have any legal effect in Senate Bill No. 424. In other words, Section 9988 is a part of Article 1, Chapter 59, Revised Statutes of Missouri, 1939, and has not been repealed and so far as Senate Bill No. 424 is concerned said section of the 1939 Statutes is still in full force and effect. This section in Senate Bill No. 424 undoubtedly will cause endless confusion. I think a bill should be introduced to correct this situation.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

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TO THE SECRETARY OF STATE

APRIL 19, 1946

From the Journal of the House of Representatives, pp. 4036-4037

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 19, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Bill No. 899, entitled:

"AN ACT

"To provide for the salary and compensation of sheriffs in counties of the third class; providing for the appointment and compensation of deputies and assistants, providing for the collection and disbursement of fees by such sheriffs; providing for the administration of jails in such counties, and providing a penalty for violations of said act."

On April 19, 1946, I approved said House Bill No. 899.

However, I wish to call attention to the following:

On page 3, Section 5, lines 1 to 6, inclusive, the sheriffs and their deputies are allowed actual expenses for each mile traveled in serving warrants or any other criminal process not to exceed five cents per mile. Section 13414, Revised Statutes of Missouri, 1939, provides that the sheriffs or other officers shall be allowed for their services in criminal cases the sum of ten cents per mile. The sum allowed under Section 5 of this bill conflicts with Section 13414, Revised Statutes of Missouri, 1939.

On page 3, Section 4, provides that the sheriff shall receive the actual cost of the care and custody of persons lodged in the county jail under the custody of the sheriff. Section 13416, Revised Statutes of Missouri, 1939, limits the amount which the sheriff may receive for boarding such prisoners to seventy-five cents per day. This bill conflicts with Section 13416, Revised Statutes of Missouri, 1939. In my opinion a

bill should be introduced repealing Sections 13414 and 13416, Revised Statutes of Missouri, 1939.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

APRIL 19, 1946

From the Journal of the House of Representatives, pp. 4037-4038

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 19, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Bill No. 889, entitled:

"AN ACT

"To provide for the fees for services of county assessors in counties of the second class; to provide for the compensation of such county assessors, the method of appointment and compensation of deputy assessors."

On April 19, 1946, I approved said House Bill No. 889.

However, I wish to call attention to the following:

Section 4 on page 3, which allows the assessor a per diem for time spent attending the annual assessors' meeting called by the State Tax Commission and provides reimbursement for transportation expenses in going to and from said meeting, is broader than the title. The title of the act does not mention such per diem or expenses and I do not believe that the title can be construed to include per diem and expenses for these meetings. This section does not affect the validity of the remaining sections of the act.

Section 2, page 2, lines 1 to 4, inclusive, provides that the salary of the county assessor in counties of the second class, of

which Buchanan County is one, shall be $5,000.00 per year. Section 13487, Revised Statutes of Missouri, 1939, applying to Buchanan County, provides that the assessor shall receive a salary of $3,500.00 per year. The latter is therefore in conflict with House Bill No. 889.

Section 3, page 2, referring to the compensation of deputy assessors, is in conflict with Sections 13488 and 13489, Revised Statutes of Missouri, 1939, relating to the same subject. Section 3 of House Bill No. 889 provides that the county assessor in counties of the second class shall fix the salary of their deputies. The sections of the Revised Statutes of Missouri, 1939, above referred to, set specific amounts for the salaries of deputies.

The sections of the Revised Statutes of Missouri, 1939, above referred to, apply to the county assessors of Buchanan County.

I suggest that a bill be introduced to repeal Sections 13488 and 13489, Revised Statutes of Missouri, 1939, and to repeal Section 13487, Revised Statutes of Missouri, 1939, at least insofar as the latter relates to the salary of the assessor of Buchanan County.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

APRIL 19, 1946

From the Journal of the House of Representatives, pp. 4039-4040

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 19, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Bill No. 676, entitled:

"AN ACT

"To repeal Sections 11343, 11345, 11346, 11349, 11351, 11352, 11353, 11354, 11355, 11356, 11357, 11358, 11359, 11361, 11362, 11363, 11364, 11365, 11366, 11367, 11369, 11373, 11374, 11375 and 11376 of Article 21, Chapter 74, Revised Statutes of Missouri, 1939, and to repeal an Act of the 62nd General Assembly, Laws of Missouri, 1943, page 1064, approved July 13, 1943, all relating to taxation of income, and to enact sixteen new sections in lieu thereof, relating to the same subject, to be known as Sections 11343, 11345, 11351, 11352, 11353, 11354, 11359, 11363, 11366, 11367, 11369, 11374, 11375, 11376, 11377a and 11377b."

On April 19, 1946, I approved said House Bill No. 676. However, I wish to call attention to the following:

On page 15 of this bill, the paragraph immediately following line 94 is numbered "Section 10." Said paragraph in my opinion was intended to be numbered Section 11349, since Section 11349 is repealed and no section numbered Section 11349 is found in the bill, and for the further reason that Section 10 contains subject matter similar to Section 11349, Revised Statutes of Missouri, 1939.

However, the difficulty about this is that the title states that sixteen new sections are enacted in lieu of those repealed and Section 11349 is not included in those sixteen new sections. In fact there are seventeen new sections enacted, if Section 10, which should be Section 11349, is included. In other words, in line 2 of the title, Section 11349 is included with the sections which are repealed but the title does not reenact said Section 11349. Neither is it reenacted in the sixteen sections included in lines 10, 11, and 12, page 2 of said Section 1.

On page 19, Section 11351, line 43, there is a reference to "Section 11344 of this act." No section numbered 11344 is contained in this act and said Section 11344 of the Revised Statutes of Missouri, 1939, was not repealed by this bill. The act states that Section 11344 contains provisions regarding the annual or regular distribution of income of trust or other estates. The section which refers to such distribution is Section 11347, Revised Statutes of Missouri, 1939.

On page 19, Section 11351, in lines 44 and 45, reference is made to "deductions as are allowed under Section 11347a hereof." There is no such section in the act. It is my opinion that the deductions referred to are contained in Section 10 on page 15 of the act, which section, as I have stated above, should be numbered 11349. Both Section 11349, Revised Statutes of Missouri, 1939, and Section 10 of this bill provide for general deductions for expenses, losses, interest, taxes, and donations.

I suggest that a bill be introduced to amend House Bill No. 676 to clarify the intention of the General Assembly with regard to the sections referred to in Section 11351, page 19, lines 43 and 45.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

APRIL 26, 1946

From the Journal of the Senate, p. 3502

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Bill No. 237, entitled:

"AN ACT

"Relating to the office of state treasurer prescribing his powers, duties and functions; prescribing various rules, regulations and provisions thereto and providing penalties for the violation of this act; with an effective date."

On April 26, 1946, I approved said Senate Bill No. 237. However, I wish to call attention to the following:

On page 13, Section 34, lines 10 to 13, the bill provides that banks or banking institutions shall give security satisfactory to the Governor and the State Auditor for the safekeeping and payment of deposits. On pages 16 and 17, Section 37, lines 36 to 40, the bill carries the same provisions with regard to additional security.

Section 15 of Article IV of the Constitution provides that banking institutions shall give security satisfactory to the Governor, State Auditor and State Treasurer. The two provisions of the bill above referred to do not include the State Treasurer as one of the persons who must be satisfied as to the security offered. I believe that the Constitution requires that the State Treasurer be included as one of such persons. I therefore suggest that a bill be introduced to amend Senate Bill No. 237 to include the words "state treasurer" in line 38, Section 37, page 17 and line 12, Section 34, page 13.

On page 16, Section 37, line 24, the word "visions" appears. I believe the word which the legislature intended was the word "provisions," and that the bill should be amended to correct this mistake.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

APRIL 26, 1946

From the Journal of the Senate, pp. 3503-3504

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 26, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Committee Substitute for Senate Bill No. 297, entitled:

"AN ACT

"Creating a department of the state government to be known and designated as the department of revenue, including a division of collection, a division of budget and comptroller, a division of procurement, a division of fund commissioners, and a division of public buildings; prescribing the powers and duties of the department of revenue and the divisions of the department; providing the powers, duties and compensations of the employees and officers thereof; with an emergency clause."

On April 26, 1946, I approved said Senate Committee Substitute for Senate Bill No. 297.

However, I wish to call attention to the following:

Sections 29a to 29g, Article V, of the Constitution, refer to and deal with the non-partisan selection of judges. Section 29e of Article V of the Constitution, provides as follows:

"All expenses incurred in administering sections 29 (a)-(g), when approved by the supreme court, shall be paid out of the state treasury. The supreme court shall certify such expense to the state auditor, who shall draw his warrant therefor payable out of funds not otherwise appropriated."

The above section places upon the Supreme Court the duty of certifying such expenses and upon the Auditor of drawing warrants for the payment therefor.

Section 22 of Article IV of the Constitution provides that the Comptroller "shall preapprove all claims and accounts and certify them to the state auditor for payment."

Section 28 of Article IV of the Constitution provides that no obligation for the payment of money shall be incurred unless the Comptroller certifies it for payment.

Since Section 29e of Article V of the Constitution carries no provision that the Comptroller shall first certify the payment of expenses, I believe that this section is in conflict with Sections 22 and 28 of Article IV of the Constitution.

On page 18, Section 43a of Senate Committee Substitute for Senate Bill No. 297 provides that in all cases of accounts allowed against the State and of grants, salaries, pay, and

expenses "allowed by law" the Comptroller shall fill in a form of warrant and this form is transmitted to the State Auditor for his approval. This section is consistent with the constitutional provisions of Sections 22 and 28 of Article IV in providing that the Comptroller shall certify all claims. I believe, however, that it is in conflict with Section 29e of Article V since that constitutional provision provides that the Supreme Court, instead of the Comptroller, shall make the certification with regard to expenses incurred by the operation of the nonpartisan court plan.

I suggest that a bill be introduced to except from the provisions of Section 43a of Senate Committee Substitute for Senate Bill No. 297 those cases of expenses incurred under the provisions of Section 29a to g of Article V of the Constitution.

If this is done I believe it will avoid confusion in carrying out the above constitutional provisions which seem to be in conflict.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

APRIL 30, 1946

From the Journal of the Senate, pp. 3508-3509

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 30, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Bill No. 360, entitled:

"AN ACT

"To repeal Sections 8367, 8368, 8371, 8378, 8392, 8397 and 8402 of Article 1, Chapter 5, Revised Statutes of Missouri, 1939, and to repeal Section 8369, of an act

of the 62nd General Assembly, found in Laws of Missouri, 1943, pages 664, 665 and 666, and to repeal an act of the 63rd General Assembly, known as House Bill No. 439, approved July 25, 1945, all relating to regulations and license fees for motor vehicles, and to enact in lieu thereof fourteen new sections, relating to the same subject matter, to be known as Sections 8367, 8368, 8369, 8371, 8378, 8392, 8392a, 8392b, 8397, 8402, 8403, 8410a, 8410b, and 8410c, with an emergency clause."

On April 30, 1946, I approved said Senate Bill No. 360. However, I wish to call attention to the following:

The title to Senate Bill No. 360, page 1, line 3, refers to Article 1, Chapter 5, Revised Statutes of Missouri, 1939. The sections which are repealed by the bill are contained in Chapter 45 of the Revised Statutes of Missouri, 1939. This same error appears in Section 1, line 2.

On page 7, Section 8369, line 75, there is a reference to Section 5728, Article 8, Chapter 35, Revised Statutes of Missouri, 1939. Said section was repealed by an act of the 62nd General Assembly, Laws of Missouri, 1943, pages 864 to 867. This act in turn was repealed by an act of the 62nd General Assembly, Extraordinary Session, Laws of Missouri, 1944, page 45. The act passed by the Extraordinary Session of the General Assembly in 1944 is not repealed by this bill. The section which in my opinion should be referred to on page 7, line 75, is Section 5728, Laws of Missouri, 1944, Extraordinary Session, page 45.

On pages 4 and 5, Section 8368, lines 14 to 19, inclusive, the bill provides with regard to certain records as follows:

> "The director of revenue may destroy all applications for registration of motor vehicles and dealers after the same shall have been on file for four (4) years, but the application for registration of chauffeurs, registered operators and certificates of ownership shall be preserved as permanent records."

House Bill 438, passed by the 63rd General Assembly and approved on November 27, 1945, authorizes the Commissioner of Motor Vehicles to destroy certain motor vehicle

records after specified lengths of time. House Bill No. 438 gives such authority to the Commissioner of Motor Vehicles. However, it is my opinion that the provisions of House Bill No. 438 remain in force because in Senate Bill No. 360, Section 8368, page 4, lines 1 to 4, inclusive, it is provided that it shall be the duty of the Director of Revenue to carry out the provisions of this article. The article referred to is Article 1, Chapter 45, Revised Statutes of Missouri, 1939. The provisions of House Bill No. 438 deal with matters which are closely related to those contained in Article 1, Chapter 45, Revised Statutes of Missouri, 1939, and would, therefore, in my opinion, become a part of the article. Under the provisions of Section 8368 of Senate Bill No. 360 above referred to, the authority to destroy records under House Bill No. 338, would therefore be transferred to the Director of Revenue.

The provisions of Section 8368, pages 4 and 5, lines 14 to 19, inclusive, of Senate Bill No. 360 are in conflict with those of House Bill No. 438 in the following particulars:

(1) Senate Bill No. 360 allows the destruction of applications for registration of motor vehicles after four years. House Bill No. 438 requires them to be kept for five years.

(2) Senate Bill No. 360 provides that applications for registration of dealers may be destroyed in four years. House Bill No. 438 requires that they be kept for ten years.

(3) Senate Bill No. 360 provides that applications for registration of chauffeurs shall be kept permanently. House Bill No. 438 allows their destruction after one year.

(4) Senate Bill No. 360 provides that applications for registration of registered operators shall be kept permanently. House Bill No. 438 allows their destruction after one year.

(5) Senate Bill No. 360 provides that applications for certificates of ownership shall be permanently kept. House Bill No. 438 will allow them to be destroyed after ten years.

I suggest that a bill be introduced to amend Senate Bill No. 360 in such manner as to remove the conflict with House Bill No. 438 with regard to the records mentioned in the above paragraphs (1) and (2) and to withdraw from the bill the provisions that the applications for registration of chauf-

feurs, registered operators, and certificates of ownership be preserved as permanent records, substituting therefor a reasonable time after which they may be destroyed.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

MAY 2, 1946

From the Journal of the Senate, pp. 3510-3513

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 2, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Committee Substitute for Senate Bill No. 347, entitled:

"AN ACT

"To provide for the creation and establishment of a department of corrections and prescribing the powers and duties thereof; providing for the division of penal institutions, educational institutions, and board of probation and parole; providing for the location of the office of the department; providing for the establishment of a merit system for all employees within said department; providing for the appointment of a director of said department and fixing his qualifications, duties and salary; establishing a state board of training schools, prescribing the powers and duties thereof, and fixing the qualifications, term of office and compensation of the members thereof; providing for the permanent office of said board; providing for the appointment of a director of training schools and fixing his qualifications, duties and salary; providing for the

appointment of a superintendent of each of the juvenile training schools and fixing the qualifications and duties thereof; providing for the creation and establishment of a board of probation and parole and fixing the qualifications, term of office and compensation of the members thereof and prescribing the powers and duties of said board; providing for the governor to enter into interstate compacts relative to parole; establishing the office of said board."

On May 2, 1946, I approved said Senate Committee Substitute for Senate Bill No. 347.

However, I wish to call attention to the following:

On pages 14 and 15, Section 33, lines 2, 3, and 4, it is provided that the salaries of the superintendents and employed personnel of the training schools shall be fixed by the board within the limits of money appropriated. This same provision appears on page 18, Section 38, lines 3, 4, and 5 with reference to the Board of Probation and Parole. In view of the fact that certain employees of the State Department of Corrections will be under the merit system it is my opinion that these provisions conflict with the provisions of the State merit system act contained in House Bill No. 162, wherein it is provided in Section 15 of said bill that each employee appointed to a position subject hereto after the adoption of the pay plan shall be paid at one of the rates set forth in the pay plan for the class of positions in which he is employed. This pay plan shall also be used as a basis for preparing budget estimates to be submitted to the legislature.

In view of the fact that Section 12, Article IV of the Constitution of 1945 provides that the Governor shall assign all boards, bureaus, commissions and other agencies of the State exercising administrative or executive authority to the department to which their respective powers and duties are germane, it is my opinion that Section 21 on page 10 should not be included in this bill as the General Assembly has no authority to make an assignment of the State Board of Training Schools or any other board, bureau or institution.

It is also my opinion that Section 42 on page 19 should not be included in this bill. In the first place there is no reference in the title of Senate Committee Substitute for Sen-

ate Bill No. 347 of the subject matter contained in Section 42 and for the further reason that the convictions or pleas of guilty referred to therein have reference to persons who are not inmates of any of the Penal Institutions while Senate Committee Substitute for Senate Bill No. 347 pertains to the inmates of the Penal Institutions and the question of the parole or probation of such inmates. Sections 4199 to 4211, inclusive, Article 18, Chapter 30, Revised Statutes of Missouri, 1939, are complete within themselves and should not be included in a bill of this character.

Also, Section 43 on page 20 should not be included in this bill. The Board of Probation and Parole deals with persons who are inmates of the Penal Institutions, or those on parole or probation after they have been discharged from the Penal Institutions and this class of inmates should not be confused within those who are about to be sentenced by a judge of a circuit or criminal court of the State. Another reason is that there would be no limit to the number of parole officers that would have to be employed by the Board of Probation and Parole in order to comply with the provisions of Section 43. This is a burden that the Board of Probation and Parole should not have to assume.

On page 17, Section 36, lines 2 to 5, inclusive, there is this provision:

> "Suitable quarters for offices of the board shall be furnished by the department of corrections, and shall be located within the buildings or grounds of the penitentiary."

It is my opinion that the offices of the Board of Probation and Parole should not be located within the buildings or grounds at the Penitentiary. This board should be located either in the Capitol Building or the State Office Building or some other quarters in Jefferson City which have no connection whatever with the Penitentiary proper. In lines 5 to 8 of said Section 36 on page 17 it is provided that no inmate of a penal institution shall be permitted in said headquarters except on request of the Board of Probation and Parole. Everyone who is familiar with the situation knows that the inmates who are trusties have a way of getting information from the records of the Board of Probation and Parole and

practically every inmate in the Penitentiary knows the exact status of his application for parole at all times. It is all right to say that no inmate shall be permitted in headquarters but, in my opinion, it is just a waste of words to say it. The information in regard to applications for parole or commutation should be imparted to the inmates by the officials of the Board of Probation and Parole or through proper official channels. The office of the Board of Probation and Parole should be located in some building away from the Penitentiary proper. The board can hold its parole hearings at the Penitentiary the same as it does at Algoa or the other Penal Institutions, but all of the records and files should be kept in a headquarters separate and apart from the Penitentiary. In my opinion it will improve the morale of the inmates in the institution and at the same time stop a lot of the "grape-vine" information that is being continually circulated in the Penitentiary in regard to paroles.

Section 34a on page 15, authorizes the Board of Training Schools to grant paroles to inmates under their custody. Section 39 on page 18, lines 1 to 5, inclusive, provides "The board of probation and parole is hereby authorized to release on parole any person confined in any state correctional institution, except persons under sentence of death" and that all paroles shall issue upon the order of the Board of Probation and Parole and shall be recorded. I think there is a conflict between these two sections.

Section 20 on page 9 provides that the State Board of Training Schools shall have charge and control of all training schools and industrial homes. Section 29 on page 13 provides that the superintendent of training schools shall be under the direction of the board and the director of training schools. I think these two sections are in conflict with Section 8 on pages 4 and 5, since said Section 8 provides that the Department of Corrections shall set forth the duties and responsibilities of all superintendents of the department. These three sections make it difficult to determine just which unit will supervise the duties and responsibilities of the superintendents.

I believe that all the sections in Article 1, Chapter 48, should be repealed and re-written to conform to the provisions of Senate Committee Substitute for Senate Bill No. 347.

In Article 2, Chapter 48, I believe Sections 8994, 8995, 8996, 9007 and 9008; and in Article 3, Sections 9010 and 9019; and in Article 4, Sections 9022, 9023, 9024; and in Article 5, Sections 9035, 9037, 9038, 9039, 9040 and 9042; and in Article 8 all of the sections in said article except 9167, all in Chapter 48, Revised Statutes of Missouri, 1939, should be repealed for the reason that these sections are in conflict with sections and provisions of Senate Committee Substitute for Senate Bill No. 347 and they should be re-written to conform to said Senate Committee Substitute.

I believe that Section 9118, Article 6, conflicts with Section 18 of Senate Committee Substitute for Senate Bill No. 347 in regard to the transfer of inmates. Also, Section 9119, Article 6, should be repealed as it conflicts with Sections 16 and 31 of Senate Committee Substitute for Senate Bill No. 347.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

MAY 3, 1946

From the Journal of the Senate, pp. 3516-3517

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 3, 1946.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Bill No. 428, entitled:

"AN ACT

"To repeal Sections 10845, 10846, 10847, 10848, 10849, 10850, 10851, 10852, 10853, 10854, 10855, 10856, 10857, 10858, 10859, 10860, 10861, 10862, 10863, 10864, 10865, 10866, 10867, 10868, 10869, and 10870, being Arti-

cle 25 of Chapter 72, Revised Statutes of Missouri, 1939, relating to the Missouri School for the Blind and the Missouri School for the Deaf, and to enact in lieu thereof 19 new sections to be known as Sections 10845, 10846, 10847, 10848, 10849, 10850, 10851, 10852, 10853, 10854, 10855, 10856, 10857, 10858, 10859, 10860, 10861, 10862 and 10863 relating to the same general subject and providing for the creation of a section of special education under the State Board of Education and within the division of public schools and the appointment of a director to head said section."

On May 3, 1946, I approved said Senate Bill No. 428. However, I wish to call attention to the following:

Section 10851, Revised Statutes of Missouri, 1939, relating to treasurers of the Missouri School for the Blind at St. Louis and the Missouri School for the Deaf at Fulton, their duties and their bond, and Section 10852, Revised Statutes of Missouri, 1939, relating to the duties of the stewards of these two institutions have been repealed by Senate Bill No. 428. These two sections appear in Senate Bill No. 428 but refer to other matters.

Senate Bill No. 428 carries no provision for the appointment of treasurers or stewards or providing for their duties nor does it provide that the treasurer shall be bonded. However, on page 6, Section 10858, line 4, there is a reference to the "treasurer of such institution." If there are to be treasurers of these institutions I believe Senate Bill No. 428 should so state and they should be bonded. If there are to be no treasurers then in my opinion the reference to the treasurer of such institution in Section 10858 of Senate Bill No. 428 should be stricken out.

If the bill intended to abolish the position of steward at these institutions I believe this should be made clear. On the other hand, if a steward is to be employed, in my opinion, his duties should be set out in the bill.

In Section 10862, page 7, lines 7 to 12 inclusive the following proviso should be stricken out:

"Provided, however, that the members of the present boards of managers of the Missouri School for the

Deaf at Fulton and the Missouri School for the Blind at St. Louis shall become the first boards of advisors and hold their office until the expiration of the terms for which they were appointed."

Under the Constitution the Legislative Department of the State government has no authority to make appointments to office or designate the term of any particular officer.

I suggest that a bill be introduced in line with the above suggestions.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE HOUSE OF REPRESENTATIVES

MAY 28, 1946

From the Journal of the House of Representatives, pp. 4270-4271

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 28, 1946.

To the House of Representatives of the 63rd General Assembly of the State of Missouri:

I return to you House Substitute No. 2 for House Substitute for House Bill No. 318, entitled:

"AN ACT

"To repeal Sections 14098, 14099, 14100, 14103, 14104, 14105, 14106, 14108, 14113, 14114, 14119, 14120, 14121, 14123, 14124, 14127 and 14128, of Article 6, Chapter 102, Revised Statutes of Missouri, 1939, relating to the Missouri Dairy Law, and to enact in lieu thereof new sections to be similarly numbered, pertaining to the same subject matter."

On May 28, 1946, I approved said House Substitute No. 2 for House Substitute for House Bill No. 318.

House Substitute No. 2 for House Substitute for House Bill No. 318 repeals seventeen sections of the 1939 Revised Statutes relating to the Missouri Dairy Law and enacts in lieu thereof new sections to be similarly numbered pertaining to the same subject matter. There was no Section 14128A contained in the 1939 Revised Statutes, and therefore, this section could not have been repealed by the substitute for House Bill No. 318. The title to the substitute for House Bill No. 318 does not include Section 14128A. The title to the substitute for House Bill No. 318 enacts new sections in lieu of the sections repealed and similarly numbers them. Section 14128A cannot be included in this language since it is not in lieu of an old section which carries that number and is not numbered similarly to any such old section. I believe that Section 14128A as found on page 23 of the substitute for House Bill No. 318 is beyond the scope of said title.

Section 14128A provides that cheese shall be deemed to be misbranded if certain conditions stated therein exist. For instance, in paragraph 6, line 20, if it does not contain the word "pasteurized." Suppose cheese was received from the State of Wisconsin by a merchant in Missouri and the cheese does not contain the word "pasteurized," how could the Commissioner of Agriculture enforce the violation of this section? The only penalty section in the Missouri Dairy Law is Section 14130, which makes it a misdemeanor to violate any provisions of this law. How could that misdemeanor section be enforced against a cheese manufacturer in Wisconsin or in any other state? Said Section 14130 also provides that if there is a violation of this law the license of the person shall be subject to suspension or revocation by the Commissioner. The Wisconsin cheese manufacturer does not have to have a license to do business in Missouri.

In paragraph 7, lines 21 to 23, cheese shall be deemed to be misbranded if it contains a symbol or identifying code number which has not been filed with the Department of Agriculture. Suppose the Wisconsin cheese manufacturer has not filed with the Department of Agriculture a Missouri identifying code number. How could the Missouri Commissioner of Agriculture enforce that provision? In other words, there is no method provided in this bill to enforce any of the pro-

visions of Section 14128A even if this section were within the scope of the title of the act.

This section discriminates against a Missouri cheese manufacturer and in favor of a non-resident cheese manufacturer. It requires, for instance, that the Missouri cheese manufacturer shall have an identifying code number which shall be filed with the Department of Agriculture, or that the product shall contain the word "pasteurized" or other provisions set out in the section, but these same provisions could not be enforced against a non-resident of Missouri selling cheese in Missouri.

I think it is not only outside the scope of the title of this act but that it will cause endless confusion in trying to enforce the provisions of it.

The other sections of the bill seem to be a forward step in improving the provisions of the Missouri Dairy Law and for that reason I have approved this bill. However, I believe that a bill should be introduced striking out Section 14128A for the reasons above set forth.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 19, 1946

From the Journal of the Senate, p. 3840

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 19, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

John O. Price, 1528 Locust Street, St. Louis, Missouri, as a member of the Missouri State Board of Accountancy, for

a term commencing July 1, 1946, and ending July 1, 1951, and until his successor is duly appointed and qualified; vice, R. S. Warner, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 19, 1946

From the Journal of the Senate, p. 3841

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 19, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Walter E. Bryan, 5915 De Giverville, St. Louis, Missouri, professional engineer, as a member of the State Board of Registration for Architects and Professional Engineers, for a term ending October 29, 1947, and until his successor is appointed and qualified; vice, Wesley W. Horner, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 19, 1946

From the Journal of the Senate, p. 3841

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 19, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Charles F. Quinlin, 405 South Main Street, Hannibal, Missouri, as a member of the State Board of Barber Examiners, for a term ending July 6, 1949, and until his successor is duly appointed and qualified; vice, John Gartner, resigned.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 19, 1946

From the Journal of the Senate, pp. 3841-3842

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 19, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Cliff G. Scruggs, Jefferson City, Missouri, as a member of the Board of Curators of Lincoln University of Missouri, for a term ending January 1, 1952, and until his successor is duly appointed and qualified; vice, reappointment.

Joseph D. Elliff, Columbia, Missouri, as a member of the Board of Curators of Lincoln University of Missouri, for a term ending January 1, 1952, and until his successor is duly appointed and qualified; vice, reappointment.

Doctor A. W. Fox, Hannibal, Missouri, as a member of the Board of Curators of Lincoln University of Missouri, for a term ending January 1, 1952, and until his successor is duly appointed and qualified; vice, Harry S. Blackiston, term expired.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 19, 1946

From the Journal of the Senate, p. 3842

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 19, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor Joseph Little, Lebanon, Missouri, as a member of the State Board of Optometry, for a term beginning June 30, 1946, and ending June 30, 1951, and until his successor is duly appointed and qualified; vice, Doctor Charles Howard, term expired.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 19, 1946

From the Journal of the Senate, p. 3842

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 19, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Clarence F. Wernel, 3629 West Roanoke Drive, Kansas City, Missouri, as a member of the Board of Pharmacy, for a term commencing July 2, 1946, and ending July 2, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 19, 1946

From the Journal of the Senate, p. 3843

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 19, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

J. Ed. Rutter, Shelbina, Missouri, as a member of the State Soil Districts Commission, for a term ending three years

from the time of his appointment and qualification and until his successor is duly appointed and qualified; vice, J. E. Noll, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 20, 1946

From the Journal of the Senate, pp. 3884-3885

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 20, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Doctor George B. Clark, 706 Ambassador Building, St. Louis, Missouri, Democrat, as a member of the State Board of Chiropody, for a term of one year from July 1, 1946, and until his successor is appointed and qualified.

Doctor C. Milton Stewart, Jefferson City, Missouri, Republican, as a member of the State Board of Chiropody, for a term of two years from July 1, 1946, and until his successor is appointed and qualified.

Doctor L. A. Hansen, 1912 East 36th Street, Kansas City, Missouri, Republican, as a member of the State Board of Chiropody, for a term of three years from July 1, 1946, and until his successor is appointed and qualified.

Doctor Harold M. Plaster, Joplin, Missouri, Democrat, as a member of the State Board of Chiropody, for a term of four years from July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 20, 1946

From the Journal of the Senate, p. 3885

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 20, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Thomas E. Whitecotton, Huntington, Ralls County, Missouri, as the Director of the Department of Corrections, for a term commencing July 1, 1946; said term of office shall be at the pleasure of the Governor.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 20, 1946

From the Journal of the Senate, p. 3885

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 20, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Michael J. Carroll, 8741 White Avenue, Brentwood, St. Louis County, Missouri, as Director of the Division of Employment Security of the Department of Labor and Industrial

Relations, for a term commencing July 1, 1946; said term of office shall be at the pleasure of the Governor.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 20, 1946

From the Journal of the Senate, p. 3886

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 20, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor R. M. James, Joplin, Missouri, as Director of Health, Division of Health of the Department of Public Health and Welfare, for a term commencing July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 20, 1946

From the Journal of the Senate, p. 3886

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 20, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Lon N. Irwin, 2715 Monterey Street, St. Joseph, Missouri, as Director of the Division of Industrial Inspection of the Department of Labor and Industrial Relations, for a term of four years from July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 20, 1946

From the Journal of the Senate, p. 3887

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 20, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Doctor Edwin C. White, 3232 Euclid, Kansas City, Missouri, Democrat, as a member of the State Board of Medical Examiners, for a term of one year from July 1, 1946, and until his successor is appointed and qualified.

Doctor Howard B. Goodrich, Hannibal, Missouri, Republican, as a member of the State Board of Medical Examiners, for a term of one year from July 1, 1946, and until his successor is appointed and qualified.

Doctor W. O. Finney, Chaffee, Missouri, Democrat, as a member of the State Board of Medical Examiners, for a term of two years from July 1, 1946, and until his successor is appointed and qualified.

Doctor Frank H. Rose, Albany, Missouri, Republican, as a member of the State Board of Medical Examiners, for a term of two years from July 1, 1946, and until his successor is appointed and qualified.

Doctor Ralph A. Kinsella, 4376 Westminster, St. Louis, Missouri, Democrat, as a member of the State Board of Medical Examiners, for a term of three years from July 1, 1946, and until his successor is appointed and qualified.

Doctor Walter S. Sewell, Springfield, Missouri, Republican, as a member of the State Board of Medical Examiners, for a term of three years from July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 20, 1946

From the Journal of the Senate, pp. 3887-3888

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 20, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

M. E. Morris, Trenton, Missouri, as Director of the Department of Revenue, for a term commencing July 1, 1946; said term of office shall be at the pleasure of the Governor.

G. H. Bates, Lexington, Missouri, as State Collector of Revenue, Division of Collection of the Department of Revenue, for a term commencing July 1, 1946, and until his successor is appointed and qualified.

E. G. Armstrong, 3839 East 62nd Street, Kansas City, Missouri, as Comptroller and Director of the Budget, Division of the Budget and Comptroller of the Department of Revenue, for a term commencing July 1, 1946, and until his successor is appointed and qualified.

Wm. L. Smith, Normandy, St. Louis County, Missouri, as State Purchasing Agent, Division of Procurement of the Department of Revenue, for a term commencing July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 20, 1946

From the Journal of the Senate, p. 3888

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 20, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Proctor N. Carter, Columbia, Missouri, as Director of Welfare, Division of Welfare of the Department of Public

Health and Welfare, for a term commencing July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 20, 1946

From the Journal of the Senate, p. 3888

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 20, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Miss Grace Frauens, 5702 Eastwood, Kansas City, Missouri, as a member of the Board of Examiners and Registrars of Nurses, for a term ending July 6, 1948, and until her successor is duly appointed and qualified; vice, Corinne Hamilton, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

*

TO THE SENATE

JUNE 20, 1946

From the Journal of the Senate, p. 3889

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 20, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Charles C. Keith, Joplin, Missouri, as Director of the Division of Mine Inspection of the Department of Labor and Industrial Relations, for a term of four years from July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 25, 1946

From the Journal of the Senate, pp. 3944-3945

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 25, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Carl J. Henry, Democrat, Butler, Bates County, Missouri, who is licensed to practice law in the State of Missouri, as a member of the Industrial Commission of Missouri of the

Department of Labor and Industrial Relations to represent the public, for a term of six years from July 1, 1946, and until his successor is appointed and qualified.

Ralph W. Atkeson, Republican, Salem, Dent County, Missouri, as a member of the Industrial Commission of Missouri of the Department of Labor and Industrial Relations to represent employers, for a term of four years from July 1, 1946, and until his successor is appointed and qualified.

Frank J. Lahey, Democrat, 2812 St. Vincent, St. Louis, Missouri, as a member of the Industrial Commission of Missouri of the Department of Labor and Industrial Relations to represent employees, for a term of two years from July 1, 1946, and until his successor is appointed and qualified.

I designate Carl J. Henry as Chairman of the Industrial Commission of Missouri of the Department of Labor and Industrial Relations.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 25, 1946

From the Journal of the Senate, p. 3945

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 25, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Mrs. Sally Ball, Joplin, Missouri, Democrat, as a member of the State Board of Cosmetology, for a term of two years from July 1, 1946, and until her successor is appointed and qualified.

Mrs. Leta Kidwell, Columbia, Missouri, Republican, as a member of the State Board of Cosmetology, for a term of three years from July 1, 1946, and until her successor is appointed and qualified.

Frank J. Vanek, 3637 South Grand Boulevard, St. Louis, Missouri, Democrat, as a member of the State Board of Cosmetology, for a term of four years from July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 26, 1946

From the Journal of the Senate, p. 3982

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 26, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

W. F. Keyser, Sedalia, Missouri, as Commissioner of Finance, Division of Finance of the Department of Business and Administration, for a term beginning July 1, 1946, and ending at the pleasure of the Governor; vice, M. E. Morris, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 26, 1946

From the Journal of the Senate, pp. 3982-3983

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 26, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Everett Keith, Democrat, Columbia, Missouri, as a member of the State Board of Education, for a term of eight years from July 1, 1946, and until his successor is appointed and qualified.

Charles G. Ross, Republican, Caruthersville, Missouri, as a member of the State Board of Education, for a term of seven years from July 1, 1946, and until his successor is appointed and qualified.

Mrs. True Davis, Democrat, 503 North 5th Street, St. Joseph, Missouri, as a member of the State Board of Education, for a term of six years from July 1, 1946, and until her successor is appointed and qualified.

John H. Flanigan, Jr., Republican, Carthage, Missouri, as a member of the State Board of Education, for a term of five years from July 1, 1946, and until his successor is appointed and qualified.

James E. Nugent, Democrat, 701 East 70th Terrace, Kansas City, Missouri, as a member of the State Board of Education, for a term of four years from July 1, 1946, and until his successor is appointed and qualified.

Mrs. Chapin S. Newhard, Republican, Route 1, Box 94, Clayton, St. Louis County, Missouri, as a member of the State Board of Education, for a term of three years from July 1, 1946, and until her successor is appointed and qualified.

J. E. Mitchell, Democrat, 39 Lewis Place, St. Louis, Missouri, as a member of the State Board of Education, for a

term of two years from July 1, 1946, and until his successor is appointed and qualified.

Ollin Drennan, Republican, Kirksville, Missouri, as a member of the State Board of Education, for a term of one year from July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 26, 1946

From the Journal of the Senate, p. 3984

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 26, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

William Wildeboor, Democrat, Jefferson City, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term of six years from July 1, 1946, and until his successor is appointed and qualified.

Mrs. Mayme H. Ousley, Republican, St. James, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term of five years from July 1, 1946, and until her successor is appointed and qualified.

Mrs. Tom Stark, Democrat, Louisiana, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term of four years from July 1, 1946, and until her successor is appointed and qualified.

Fred W. Naeter, Republican, Cape Girardeau, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term of three years from July 1, 1946, and until his successor is appointed and qualified.

Thomas P. Neill, Democrat, 4372 Maryland, St. Louis, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term of two years from July 1, 1946, and until his successor is appointed and qualified.

John Thornberry, Republican, 61 Janssen Place, Kansas City, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term of one year from July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 27, 1946

From the Journal of the Senate, p. 4002

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 27, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

On June 20, 1946, I appointed Doctor Ralph A. Kinsella, St. Louis, Missouri, and Doctor Frank H. Rose, Albany, Missouri, as members of the State Board of Medical Examiners.

Doctor Kinsella has advised me that he is unable to serve on this Board. There was an error made in designating the politics of Doctor Rose. So, therefore, I wish to withdraw

from your consideration the names of Doctor Ralph A. Kinsella and Doctor Frank H. Rose and submit to you the following appointments, subject to the consent and approval of the Senate:

Doctor Harry A. Klein, Democrat, 5074 North Union Boulevard, St. Louis, Missouri, as a member of the State Board of Medical Examiners, for a term of three years from July 1, 1946, and until his successor is appointed and qualified.

Doctor Paul A. Knepper, Republican, 2002 Ashland Avenue, St. Joseph, Missouri, as a member of the State Board of Medical Examiners, for a term of two years from July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 27, 1946

From the Journal of the Senate, p. 1002

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 27, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor Orr Mullinax, 3315 Frederick Avenue, St. Joseph, Missouri, as Director of the Division of Mental Diseases, Department of Public Health and Welfare, for a term commencing July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 27, 1946

From the Journal of the Senate, p. 4003

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 27, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Spencer H. Givens, Higginsville, Missouri, as Director of the Division of Workmen's Compensation of the Department of Labor and Industrial Relations, for a term of four years from July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JUNE 28, 1946

From the Journal of the Senate, p. 4102

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

June 28, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I am advised by W. F. Keyser, Sedalia, Missouri, in a letter dated June 28, 1946, that because of circumstances beyond his control he is of the opinion that it would be inadvis-

able for him to serve as Commissioner of Finance of the State of Missouri, and, therefore, declined in writing to serve as Commissioner of Finance.

In view of the refusal of the said W. F. Keyser to serve as Commissioner of Finance, and the fact that he has not taken the oath of office and has not been sworn in as Commissioner of Finance, I submit for your consideration and approval the appointment of Harry G. Shaffner, Louisiana, Missouri, in place of W. F. Keyser, as Commissioner of Finance, Division of Finance of the Department of Business and Administration, for a term beginning July 1, 1946, and ending at the pleasure of the Governor; vice, M. E. Morris, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 30, 1946

From the Journal of the Senate, p. 3983

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 30, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

O. J. Creach, Democrat, Camdenton, Camden County, Missouri, as a member of the Board of Probation and Parole, Department of Corrections, for a term of six years from July 1, 1946, and until his successor is appointed and qualified.

J. O. Dotson, Republican, Irondale, Washington County, Missouri, as a member of the Board of Probation and Parole, Department of Corrections, for a term of four years from July 1, 1946, and until his successor is appointed and qualified.

Eugene W. Couey, Democrat, Sedalia, Pettis County, Missouri, as a member of the Board of Probation and Parole, Department of Corrections, for a term of two years from July 1, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 6, 1946

From the Journal of the Senate, p. 1115

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 6, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return to you Senate Committee Substitute for Senate Bill No. 200, entitled:

"AN ACT

"To repeal Section 13404 of Article 2, Chapter 99, Revised Statutes of Missouri, 1939, relating to fees of probate judges and the amount they are entitled to retain as their compensation, and to enact in lieu thereof a new section relating to fees to be charged and collected in probate proceedings and the manner of accounting for the same, and to provide for bonds of probate judges, to be known as Section 13404, with effective date provided."

On July 6, 1946, I approved said Senate Committee Substitute for Senate Bill No. 200.

However, I call attention to the words "state treasurer" on page 4, line 80 of Section 13404. I am of the opinion that this should be "director of revenue."

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 6, 1946

From the Journal of the Senate, pp. 4119-4120

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 6, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I return to you Senate Bill No. 484, entitled:

"AN ACT

"To repeal Section 10918 of Article 2, Chapter 73, Revised Statutes of Missouri, 1939, relating to the county clerk's serving as budget officer in counties having a population of more than 50,000 and less than 80,000 inhabitants; and Section 10922 to Section 10934, both inclusive, of Article 2, Chapter 73, Revised Statutes of Missouri, 1939, relating to the presiding judge serving as budget officer, the annual budget, the borrowing of money in anticipation of the collection of taxes by the county court, the execution of contracts, and the liability of certain officers in counties having a population of more than 80,000 inhabitants and to enact in lieu thereof fourteen new sections relating to the same subject in counties of the second class, providing that bids need not be taken on purchases of twenty-five dollars or less made from any one person, firm or corporation during any period of thirty days, and authorizing the county court to revise the 1946 budget, to be known as Sections 10922, 10923, 10924, 10925, 10926, 10927, 10928, 10929, 10930, 10931, 10932, 10933, 10934, and 10934a, with an emergency clause."

On July 6, 1946, I approved said Senate Bill No. 484.

However, I wish to call attention to the following:

I am of the opinion that the words "state board of equali-

zation" on page 7, line 25, Section 10927, should be the "state tax commission."

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

JULY 18, 1946

From the Journal of the House of Representatives, pp. 4701-4702

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 18, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 935, entitled:

"AN ACT

"To repeal Section 10919 of Article 2, Chapter 73, of the Revised Statutes of Missouri, 1939, as amended by an Act of the 61st General Assembly and approved by the Governor on August 7, 1941, and appearing in Laws of Missouri, 1941, at Page 649, relating to the establishment of the office of county comptroller and the election of such officer in certain counties, and also to repeal Sections 10920, and 10921, of Article 2, Chapter 73, of the Revised Statutes of Missouri, 1939, relating to the powers and duties of the budget officer and accounting officer under the county budget law in certain counties, and to enact in lieu thereof five new sections providing for the appointment of a county auditor in counties of the first class and prescribing the duties, powers, and responsibilities of such county auditor under the county budget law, to be known as Sections 10919a, 10920, 10921, 10921a and 10921b, with an emergency clause."

On July 18, 1946, I approved said House Bill No. 935. However, I wish to call attention to the following:

On page 2, Section 1, lines 5 and 6, the words "be and the same is hereby repealed effective as of the 1st day of January, 1947," refer to Section 10919 of Article 2, Chapter 73, of the Revised Statutes of Missouri, 1939, as amended by an act of the 61st General Assembly and approved by the Governor on August 7, 1941, appearing in Laws of Missouri, 1941, at page 649. The above quoted provision does not appear in the title to House Bill No. 935.

On page 2, Section 10919a, lines 2a, 3, and 4, refer to Sections 10925 to 10933, both inclusive, of Article 2, Chapter 73, of the Revised Statutes of Missouri, 1939. These sections were repealed and reenacted by Senate Bill No. 484 of the 63rd General Assembly, approved on July 6, 1946.

On page 6, Section 10921b, line 9, the word "date" should be "data."

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

JULY 18, 1946

From the Journal of the Senate, p. 4147

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 18, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith Senate Bill No. 339, entitled:

"AN ACT

"To repeal Section 5728 of an Act of the 62nd General Assembly, approved April 29, 1944, appearing at pages 45 to 48 inclusive of the Session Laws of Missouri, Extraordinary Session 1944, relating to the annual license fee on motor carriers for the transportation of persons

and property and enacting in lieu thereof a new section to be known as Section 5728 relating to the same subject matter."

On July 18, 1946, I approved said Senate Bill No. 339.

However, I wish to call attention to the fact that on page 5, lines 117 and 118, reference is made to Section 8369, Laws of Missouri, 1943, pages 664 to 666, both inclusive. Said Section 8369 was repealed and reenacted by Senate Bill No. 360 of the 63rd General Assembly approved on April 30, 1946.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

JULY 23, 1946

From the Journal of the House of Representatives, p. 4708

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 23, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith Committee Substitute for House Bill No. 214, entitled:

"AN ACT

"To create a County Aid Road Fund to receive appropriations by the General Assembly from the Missouri Post-War Reserve Fund for the purpose of aiding and assisting in the improvement, construction, reconstruction and restoration of county roads; to provide for the apportionment of said funds to the several counties of the State; to provide for the formulation by the State Highway Commission and a committee of five (5) county judges appointed by the Governor of general plans, specifications and minimum requirements for the improvement,

construction, reconstruction and restoration of county roads with the use of said funds; to provide for the selection of the county roads to be improved, constructed, reconstructed and restored with the use of said funds; to define 'County Roads' as used in this Act; to provide for the manner in which any county may avail itself of the benefits of this Act; to provide for the adoption of a program by the county court of county road improvements and the adoption of plans and specifications for the projects included in said program; to provide for the setting aside of a specified portion of said funds appropriated to the County Aid Road Fund by the State Treasurer upon approval of the State Highway Commission of the program and the plans and specifications submitted by any county; to provide for the awarding of contracts for, and the improvement, construction, reconstruction and restoration of, county roads by competitive bidding or otherwise; and to provide for the time and manner of making payments out of the said funds to the county."

On July 23, 1946, I approved said Committee Substitute for House Bill No. 214.

However, I wish to call attention to the following:

On page 5, Section 4, line 18, I am of the opinion that the words "State Auditor" should be "comptroller"; also, on page 6, Section 6, lines 23 and 24, the words "State Auditor" should be "comptroller."

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JULY 31, 1946

From the Journal of the Senate, p. 4139

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 31, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

W. F. Keyser, Sedalia, Missouri, as a member of the Personnel Advisory Board, Personnel Division of the Department of Business and Administration, for a term of six years from July 31, 1946, and until his successor is appointed and qualified.

L. C. Deason, Hannibal, Missouri, as a member of the Personnel Advisory Board, Personnel Division of the Department of Business and Administration, for a term of four years from July 31, 1946, and until his successor is appointed and qualified.

Paul G. Steinbicker, 1304 Boland Place, St. Louis County, Missouri, as a member of the Personnel Advisory Board, Personnel Division of the Department of Business and Administration, for a term of two years from July 31, 1946, and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

SEPTEMBER 16, 1946

From the Journal of the Senate, p. 4153

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
September 16, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Samuel Marsh, 35 East 55th Street, Kansas City, Missouri, as Director of the Department of Public Health and Welfare, for a term ending four years from the time of his appointment and qualification or until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 1, 1946

From the Journal of the Senate, p. 4227

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 1, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

H. Sam Priest, 4621 Maryland Avenue, St. Louis, Missouri, as a member of the Board of Police Commissioners for

the City of St. Louis, Missouri, for a term ending July 6, 1949, and until his successor shall be appointed and qualified; vice, Mark D. Eagleton, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 14, 1946

From the Journal of the Senate, p. 1227

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 14, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Hampton S. Chambers, President Hotel, Kansas City, Missouri, as a member of the Board of Police Commissioners for Kansas City, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Fred H. Olander, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

OCTOBER 14, 1946

From the Journal of the House of Representatives, p. 4793

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 14, 1946.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 1034, entitled:

"AN ACT

"To appropriate money for postwar purposes and providing that said money be transferred, credited and set apart to the postwar reserve fund, with an emergency clause."

On October 14, 1946, I approved said House Bill No. 1034.

However, I wish to call attention to the following: In Section 1, line 7, reference to House Bill No. 15 should be Senate Committee Substitute for House Bill No. 15. In line 8, the date May 30, 1945, should be January 25, 1946. However, I do not believe that this error affects the validity of the bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

DECEMBER 10, 1946

From the Journal of the Senate, p. 4237

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
December 10, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Ray F. McCarthy, No. 6 Warson Terrace, St. Louis County, Missouri, as a member of the State Advisory Council, as provided for in Senate Committee Substitute for House Substitute for House Bill No. 459 of the 63rd General Assembly, for a term ending two years from the time of his appointment and confirmation.

Doctor Emmett F. Hoctor, Farmington, Missouri, as a member of the State Advisory Council, as provided for in Senate Committee Substitute for House Substitute for House Bill No. 459 of the 63rd General Assembly, for a term ending two years from the time of his appointment and confirmation.

Nell Morgan, Independence, Missouri, as a member of the State Advisory Council, as provided for in Senate Committee Substitute for House Substitute for House Bill No. 459, of the 63rd General Assembly, for a term ending two years from the time of her appointment and confirmation.

L. O. Wallis, R. F. D. No. 5, Springfield, Missouri, as a member of the State Advisory Council, as provided for in Senate Committee Substitute for House Substitute for House Bill No. 459 of the 63rd General Assembly, for a term ending two years from the time of his appointment and confirmation.

Mrs. Paul Palmer, Ethlyn, Lincoln County, Missouri, as a member of the State Advisory Council, as provided for in Senate Committee Substitute for House Substitute for House Bill No. 459 of the 63rd General Assembly, for a term ending two years from the time of her appointment and confirmation.

O. V. Jackson, Rolla, Missouri, as a member of the State Advisory Council, as provided for in Senate Committee Substitute for House Substitute for House Bill No. 459 of the 63rd General Assembly, for a term ending two years from the time of his appointment and confirmation.

Everett Johns, St. Joseph, Missouri, as a member of the State Advisory Council, as provided for in Senate Committee Substitute for House Substitute for House Bill No. 459 of the 63rd General Assembly, for a term ending two years from the time of his appointment and confirmation.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

DECEMBER 10, 1946

From the Journal of the Senate, p. 4238

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
December 10, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

John M. Schaper, architect, Jefferson City, Missouri, as a member of the State Board of Registration for Architects and Professional Engineers, Division of Registration and Examination, State Department of Education, for a term ending October 29, 1947, and until his successor is appointed and qualified; vice, Harry Satterlee Bill, deceased.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

DECEMBER 10, 1946

From the Journal of the Senate, p. 4238

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
December 10, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Bert Cooper, Maryville, Missouri, as Director of the Department of Business and Administration, for a term concurrent with that of the Governor and until his successor is appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

DECEMBER 10, 1946

From the Journal of the Senate, p. 4239

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
December 10, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Mrs. J. Henry Patton, Lebanon, Missouri, as a member of the State Library Advisory Board, State Department of Education, for a term of four years from the time of her appointment and qualification and until her successor shall be appointed and qualified.

Mrs. George A. Rozier, Jefferson City, Missouri, as a member of the State Library Advisory Board, State Department of Education, for a term of two years from the time of her appointment and qualification and until her successor shall be appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

DECEMBER 10, 1946

From the Journal of the Senate, p. 4239

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
December 10, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor D. W. McKinnon, St. Joseph, Missouri, as a member of the Missouri Dental Board, Division of Registration and Examination, State Department of Education, for a term ending October 16, 1951, and until his successor shall be appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

DECEMBER 10, 1946

From the Journal of the Senate, p. 4240

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
December 10, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

J. Ed. May, Gray Summit, Missouri, as a member of the Board of Trustees, Fruit Experiment Station, State De-

partment of Education, for a term ending six years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, C. W. Cleveland, term expired.

Edwin J. Stark, Louisiana, Missouri, as a member of the Board of Trustees, Fruit Experiment Station, State Department of Education, for a term ending six years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Frank D. Connett, term expired.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

DECEMBER 10, 1946

From the Journal of the Senate, p. 4240

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

December 10, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor C. C. Chesterson, 5709 Holly Hills, St. Louis, Missouri, as a member of the Board of Advisors of the Missouri School for the Blind, State Department of Education, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

DECEMBER 10, 1946

From the Journal of the Senate, p. 4241

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
December 10, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

George Burns, Republican, Appleton City, Missouri, as a member of the Board of Regents for Central Missouri State College, Warrensburg, Missouri, State Department of Education, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, Roy W. Starling, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

DECEMBER 10, 1946

From the Journal of the Senate, p. 4241

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
December 10, 1946.

To the Senate of the 63rd General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Fred V. Heinkel, Robertsville, Missouri, as a member of the State Soils Districts Commission, State Department of

Education, for a term ending November 15, 1949, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,

PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 8, 1947

From the Journal of the House of Representatives, p. 1

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
January 8, 1947.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

It being shown to the Governor that the Honorable Wilson Bell, Secretary of State of Missouri, on account of illness, will be unable to be present at the opening of the Sixty-fourth General Assembly of Missouri;

NOW, THEREFORE, pursuant to Section 12852 of the Revised Statutes of Missouri, 1939, I hereby appoint and designate the Honorable Albert M. Clark, Judge of the Supreme Court, to call the House of Representatives of the Sixty-fourth General Assembly of Missouri together at twelve o'clock, noon, on Wednesday, January 8, 1947, and to preside over its deliberations until a temporary organization shall have been effected.

Dated this 8th day of January, 1947.

PHIL M. DONNELLY,
Governor.

TO THE GENERAL ASSEMBLY

FEBRUARY 5, 1947

From the Journal of the House of Representatives, pp. 177-179

To the Members of the 64th General Assembly:

In compliance with Section 24, Article IV of the 1945 Constitution, I submit herewith the Executive Budget for the biennium 1947-1949.

On page 1 there is a statement of the General Revenue for the period commencing January 1, 1945, to June 30, 1947, inclusive. This statement shows an estimated balance as of June 30, 1947, of $14,679,572.17. From this amount should be deducted any emergency appropriations made by the Sixty-fourth General Assembly for the remainder of the 1946-1947 fiscal year.

On pages 4 to 6, inclusive, are shown the receipts into the ordinary Revenue Fund for the years 1943, 1944, the first six months of 1945, the fiscal year 1945-1946, the estimated receipts for the fiscal year 1946-1947, and the estimated receipts for the 1947-1949 biennium. On page 6 are shown the total estimated receipts in the ordinary Revenue Fund for the biennium 1947-1949 in the sum of $154,668,016.07. From this amount should be deducted certain items, such as Public Service Commission fees, National Forest Timber Sales, Sales of Court Reports, and similar fees, in the sum of $613,000.00, leaving a balance of $154,055,016.07. If one-third of this amount is set aside and appropriated to the Public School Fund, as has been done in previous years, said one-third will be $51,351,672.02, which amount deducted from $154,055,-016.07 will leave $102,703,344.05 plus the above deductible items in the sum of $613,000.00, making a total of $103,316,-344.05, which amount represents the net estimated General Revenue receipts available for the biennium 1947-1949 after one-third has been deducted for the Public School Fund.

On page 2 of the Budget is a summary of the requests from all State departments for appropriations for the 1947-

1949 biennium from General Revenue in the total sum of $134,863,537.68.

In order to balance the Budget and keep the expenditures within the anticipated revenue, I have recommended expenditures for the 1947-1949 biennium from the General Revenue Fund in the sum of $101,657,186.00 as appears on page 3 of the Budget. This amount, $101,657,186.00, deducted from $103,316,344.05 (Budget, page 6), will leave a balance of $1,659,158.05 from the anticipated revenue for said biennium.

In my message to the Sixty-fourth General Assembly on January 8, 1947, I stated there should be an estimated balance as of June 30, 1947, of $14,679,572.19. From this amount should be deducted any emergency appropriations made by the Sixty-fourth General Assembly for the remainder of the 1946-1947 fiscal year.

If my recommendations for expenditures from the General Revenue Fund for the biennium 1947-1949 are followed there should be a balance in the General Revenue Fund on June 30, 1949, of approximately $16,338,730.24. (This amount is arrived at by adding $14,679,572.19 plus $1,659,158.05 as above mentioned.)

The above recommended expenditures will leave a balanced Budget for the 1947-1949 biennium. These recommendations are only advisory, as the General Assembly has authority to make such changes as its judgment may dictate.

At the bottom of page 1 is shown a summary of appropriation bills as enacted by the Sixty-third General Assembly for the 1945-1947 biennium and approved by the Governor.

On pages 7 to 9, inclusive, are shown the receipts from the various State and Federal funds received by the State Treasury for the years 1943 to July 1, 1946, and the estimated receipts for the fiscal year 1946-1947 and total estimated receipts for the biennium 1947-1949.

There has been transferred to the Post War Fund the sum of $30,000,000.00. There were appropriations enacted by the Sixty-third General Assembly chargeable against this sum in the amount of $8,829,500.33 (Budget, page 1) which would leave an unappropriated balance of $21,170,499.67 as of June 30, 1947. However, I wish to call attention to the fact that only the sum of $158,065.27 has been paid out of the Post War Fund during this fiscal year.

Section 24, Article IV of the Constitution of 1945 provides that the Governor shall make recommendations of any laws necessary to provide revenue sufficient to meet the expenditures. However, in view of the fact that the State of Missouri is in a sound financial condition and the anticipated revenues should be sufficient to meet the expenditures during the ensuing biennium, such recommendations at this time are unnecessary.

It is deemed advisable to call to the attention of the General Assembly that the only state bond obligation consists of the outstanding State of Missouri Road Bonds, which at the close of the present fiscal year, June 30, 1947, will amount to $53,000,000.00. Nine million dollars of said Road Bonds will become due during the 1947-1949 biennium.

However, we have what is known as an inter-fund debt as follows:

Under the provisions of Sections 10881-10882, Revised Statutes of Missouri, 1939, as reenacted by Senate Bill No. 210 of the Sixty-third General Assembly, there is an unfunded debt consisting of Certificates of Indebtedness issued by the State of Missouri to the State Public School Fund amounting to $3,159,000.00. Annual interest of $187,040.00 on said Certificates of Indebtedness is paid by transfer from the State Interest Fund to the State School Moneys Fund for distribution to the public schools. (The interest is shown on page 62 of the Budget for the biennium.)

There are also Certificates of Indebtedness issued to the State Seminary Fund amounting to $1,239,839.42. Annual interest of $63,211.95 on said Certificates of Indebtedness is paid by transfer from the State Interest Fund to the State Seminary Moneys Fund to be applied for the maintenance of the University of Missouri, School of Mines and Metallurgy, and the James S. Rollins University scholarship. (The interest is shown on page 62 of the Budget for the biennium.)

The total of these two funds amounts to $4,398,839.42.

A careful study of the facts and figures contained in this message will reveal the need for economy in the expenditure of State funds. It will be noted that total requests for appropriations for the 1947-1949 biennium have been cut almost twenty-five per cent in order to achieve a budget total in bal-

ance with total anticipated revenues available for the biennium. Any major disturbance in the relationship between those totals could result in an unbalanced budget, with consequent dipping into reserves. The expenses of government are heavy. At the same time, prudent management and businesslike practices can keep those expenses within bounds. Missouri's financial soundness depends upon that kind of administration of the business of the State, as well as in the wise and careful handling of fiscal affairs.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 19, 1947

From the Journal of the Senate, p. 291

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 19, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Herbert I. Sears, Democrat, LaPlata, Missouri, as a member of the Board of Regents for the Northeast Missouri State Teachers College, Kirksville, Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

Roy R. Quinn, Republican, Moberly, Missouri, as a member of the Board of Regents for the Northeast Missouri State Teachers College, Kirksville, Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 19, 1947

From the Journal of the Senate, p. 291

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 19, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

R. E. Bailey, Republican, Sikeston, Missouri, as a member of the Board of Regents for the Southeast Missouri State College, Cape Girardeau, Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

John F. Lottes, Republican, Perryville, Missouri, as a member of the Board of Regents for the Southeast Missouri State College, Cape Girardeau, Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 19, 1947

From the Journal of the Senate, p. 292

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 19, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

T. H. Douglas, Republican, Bolivar, Missouri, as a member of the Board of Regents for the Southwest Missouri State College, Springfield, Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

R. W. Anderson, Republican, Neosho, Missouri, as a member of the Board of Regents for the Southwest Missouri State College, Springfield, Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, Maurice W. Covert, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 5, 1947

From the Journal of the Senate, p. 358

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 5, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Ben H. Howard, Jefferson City, Missouri, as Comptroller and Director of the Budget, Division of the Budget and Comptroller of the Department of Revenue, for a term ending at the pleasure of the Governor; vice, E. G. Armstrong, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

March 5, 1947.

From the Journal of the Senate, p. 358

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 5, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Harold F. Thomson, 1718 Crescent Drive, St. Joseph, Missouri, as a member of the Board of Police Commissioners for the City of St. Joseph, Missouri, for a term ending February 19, 1950, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MARCH 5, 1947

From the Journal of the Senate, p. 359

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 5, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

James C. Kirkpatrick, Democrat, Jefferson City, Missouri, as a member of the Board of Regents for the Central Missouri

State College, Warrensburg, Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, J. L. Mann, term expired.

Earl T. Crawford, Republican, Sedalia, Missouri, as a member of the Board of Regents for the Central Missouri State College, Warrensburg, Missouri, State Department of Education, for term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, Thos. H. Yount, term expired.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MARCH 6, 1947

From the Journal of the Senate, p. 374

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 6, 1947.

Hon. Roy D. Miller, Secretary of Senate, Jefferson City, Missouri:

Dear Senator Miller:

Please convey to the members of the State Senate my sincere appreciation and thanks for the Resolution which they adopted today, and for the beautiful bouquet of flowers.

With best wishes, I am

Sincerely,

PHIL M. DONNELLY.

TO THE SENATE

MARCH 7, 1947

From the Journal of the Senate, p. 373

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 7, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Frank Stonner, Chamois, Missouri, as a member of the Board of Curators of the University of Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, James A. Potter, term expired.

John W. Wolpers, Poplar Bluff, Missouri, as a member of the Board of Curators of the University of Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

Stratton Shartel, 4235 Locust, Kansas City, Missouri, as a member of the Board of Curators of the University of Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 7, 1947

From the Journal of the Senate, pp. 373-374

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 7, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor Vern Paul Grisham, Cape Girardeau, Missouri, as a member of the Missouri Dental Board, Division of Registration and Examination, State Department of Education, for a term ending July 6, 1950, and until his successor shall be appointed and qualified; vice, Doctor T. T. Umbarger, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 11, 1947

From the Journal of the Senate, pp. 378-379

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 11, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Earl E. Young, Lebanon, Missouri, as a member of the Board of Trustees of the Federal Soldiers' Home at St. James,

Missouri, Division of Welfare, Department of Public Health and Welfare, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, O. D. Hall, term expired.

C. Cicero Ogle, Cuba, Missouri, as a member of the Board of Trustees of the Federal Soldiers' Home at St. James, Missouri, Division of Welfare, Department of Public Health and Welfare, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, James Bottomley, term expired.

Leo W. Highley, Rolla, Missouri, as a member of the Board of Trustees of the Federal Soldiers' Home at St. James, Missouri, Division of Welfare, Department of Public Health and Welfare, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Harry E. Guth, term expired.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MARCH 12, 1947

From the Journal of the Senate, pp. 392-393

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 12, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Miss Ophelia Mae Perkins, Springfield, Missouri, as a member of the Board of Examiners and Registrars of Nurses,

Division of Registration and Examination, State Department of Education, for a term ending July 6, 1948, and until her successor shall be appointed and qualified; vice, Miss Luna Thomas, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 12, 1947

From the Journal of the Senate, p. 393

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 12, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

J. Frank Hensley, Fulton, Missouri, as a member of the Board of Advisors for the Missouri School for the Deaf, State Department of Education, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, reappointment.

Doctor D. P. Dyer, Sedalia, Missouri, as a member of the Board of Advisors for the Missouri School for the Deaf, State Department of Education, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Henry C. Salveter, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 12, 1947

From the Journal of the Senate, p. 396

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 12, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return to you Senate Bill No. 60, entitled:

"AN ACT

"To repeal Section 7889 of Article 11, Chapter 39, Revised Statutes of Missouri of 1939, relating to the original incorporation or increasing the capital of any corporation, and to enact in lieu thereof a new section, relating to the same subject matter, to be known as Section 7889."

On March 12, 1947, I approved said Senate Bill No. 60. However, I wish to call attention to the following:

In line 1 of the title, Article 11 should be Article 1. This same error appears in line 1 of Section 1.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 27, 1947

From the Journal of the Senate, p. 472

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 27, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

M. E. Ford, Democrat, Maryville, Missouri, as a member of the Board of Regents for the Northwest Missouri State Teachers College, Maryville, Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, E. C. Curfman, term expired.

A. B. Kemerer, Republican, Chillicothe, Missouri, as a member of the Board of Regents for the Northwest Missouri State Teachers College, Maryville, Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, M. E. Morris, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 31, 1947

From the Journal of the Senate, p. 498

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 31, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return to you Senate Bill No. 112, entitled:

"AN ACT

"To repeal Sections 10130 and 10132 of an Act of the 63rd General Assembly known as House Bill No. 146, approved January 18, 1946, and to repeal Sections 10133 and 10134, Chapter 67, Revised Statutes of Missouri, 1939, all relating to the State Board of Barber Examiners, and to enact in lieu thereof four new sections, relating to the same subject, to be known as Sections 10130, 10132, 10133 and 10134."

On March 31, 1947, I approved said Senate Bill No. 112.

However, I wish to call attention to the fact that the words "to the treasurer of said board" should have been stricken out of line 27, page 3, Section 10132; and also the words "to the treasurer of the board" should have been stricken out of lines 18 and 19, page 5, Section 10134. These words were stricken out of several places in the sections contained in Senate Bill No. 112 but were evidently overlooked in the above two instances.

However, I believe the proviso in lines 5 to 9, inclusive, page 2, Section 10130, that all moneys payable under this act shall be collected by the Division of Collection in the Department of Revenue and deposited in the State Treasury to the credit of a Board of Barbers fund, will govern.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

APRIL 5, 1947

From the Journal of the Senate, pp. 503-504

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 5, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I return to you Senate Bill No. 66, entitled:

"AN ACT

"To repeal Sections 8151 and 8170 of Article 7, Chapter 39 of the Revised Statutes of Missouri of 1939, relating to small loan companies, and to enact in lieu thereof two new sections, relating to the same subject matter to be known as Sections 8151 and 8170."

On April 5, 1947, I approved said Senate Bill No. 66.

Senate Bill No. 66 repeals Sections 8151 and 8170, Article 7, Chapter 39, Revised Statutes of Missouri, 1939, relating to small loan companies and reenacts in lieu thereof two new sections. The principal changes in the two sections are that the fees for licenses, which must be obtained by persons who desire to engage in the small loan business, are to be collected by the State Collector of Revenue.

The Attorney General of Missouri, Honorable J. E. Taylor, in an opinion to the State Commission of Finance July 1, 1946, held that the entire small loan law, which is found in Article 7, Chapter 39 of the Revised Statutes of Missouri, 1939, is unconstitutional because it is in conflict with Section 44, Article III of the 1945 Constitution.

Said Section 44, Article III of the 1945 Constitution is as follows:

"Section 44. No law shall be valid fixing rates of interest or return for the loan or use of money, or the service or other charges made or imposed in connection therewith, for any particular group or class engaged in lending money. The rates of interest fixed by law shall be applicable generally and to all lenders without regard to the type or classification of their business."

In the case of Crown Loan Company vs. Shaffner, Commissioner of Finance, in the Circuit Court of Cole County, Missouri, in July, 1946, the Crown Loan Company contended that Article 7, Chapter 39, Revised Statutes of Missouri, 1939, was in full force and effect and did not conflict with the Missouri Constitution. The Commissioner of Finance was represented in said case by the Attorney General of Missouri who contended that said Article 7, Chapter 39, Revised Statutes of Missouri, 1939, was unconstitutiional, which conten-

tion was sustained by the Circuit Court of Cole County, Missouri.

At the present time there is pending in the Supreme Court of Missouri the case of Household Finance Company vs. Shaffner, Commissioner of Finance. The relator in this case (Household Finance Company) contends that Article 7, Chapter 39, Revised Statutes of Missouri, 1939, is still in full force and effect, which contention is denied by the Commissioner of Finance who is represented by the Attorney General.

In view of the fact that all of Article 7, Chapter 39, Revised Statutes of Missouri, 1939, which includes the two sections in Senate Bill No. 66, is now under consideration by the Missouri Supreme Court as to whether or not said Article is constitutional, I am of the opinion that I should approve Senate Bill No. 66. If the Supreme Court should hold that said Article 7 is unconstitutional then said two Sections, 8151 and 8170, likewise would be unconstitutional and my approval of them at this time would not validate them, while on the other hand if the Supreme Court should hold that said Article 7 is constitutional then it would be proper for said two sections to be enacted into law.

With this explanation I am approving Senate Bill No. 66.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE GENERAL ASSEMBLY

APRIL 7, 1947

From the Journal of the Senate, pp. 505-507

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 7, 1947.

To the Senate and House of Representatives of the Sixty-fourth General Assembly:

I am in receipt of a communication from Honorable Dean Acheson, Acting Secretary of State, containing a certified

copy of a resolution adopted by the National Congress of the United States during the First Session of the Eightieth Congress, proposing an amendment to the Constitution of the United States entitled "JOINT RESOLUTION Proposing an amendment to the Constitution of the United States relating to the terms of office of the President," and a copy of Section 160, Title 5, United States Code.

I transmit to you herewith this Certified Copy of Joint Resolution and copy of Section 160, Title 5, United States Code, in order that said Resolution may receive your consideration.

Respectfully submitted,

PHIL M. DONNELLY,
Governor.

NO. 1505

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

To all to whom these presents shall come, Greeting:

I Certify That the copy hereto attached is a true copy of a resolution of Congress entitled "JOINT RESOLUTION Proposing an amendment to the Constitution of the United States relating to the terms of office of the President," the original of which is on file in this Department.

In testimony whereof, I, Dean Acheson, Acting Secretary of State, have hereunto caused the seal of the Department of State to be affixed (Seal) and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this twenty-fifth day of March, 1947.

DEAN ACHESON
Acting Secretary of State.

By M. P. CHAUVIN
Authentication Officer,
Department of State.

EIGHTIETH CONGRESS OF THE UNITED STATES OF AMERICA AT THE FIRST SESSION

Begun and held at the City of Washington on Friday, the third day of January, one thousand nine hundred and forty-seven

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JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article ———

"Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within

seven years from the date of its submission to the States by the Congress."

JOSEPH W. MARTIN, JR.
Speaker of the House of
Representatives.

WILLIAM F. KNOWLAND
Acting President of the
Senate pro tempore.

I certify that this Joint Resolution originated in the House of Representatives.

JOHN ANDREWS,
Clerk.

SECTION 160, TITLE 5, UNITED STATES CODE

Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

TO THE GENERAL ASSEMBLY

APRIL 15, 1947

From the Journal of the House of Representatives, pp. 704-707

To the Senate and House of Representatives of the Sixty-fourth General Assembly:

In my message to the General Assembly delivered on January 8, 1947, I made this statement and recommendation:

"During recent years labor has won many long overdue rights to which they were entitled. The right of em-

ployees in private industry to organize and bargain collectively through representatives of their own choosing is recognized by law and should be preserved. But all rights carry with them corresponding responsibilities and duties. Labor unions should recognize and live up to these responsibilities, and should be held legally responsible for their contractual obligations. In addition I recommend that legislation be enacted to prevent labor strikes which affect the lives, health, or safety of the general public, or challenge the sovereignty of the State government."

Events since that statement was made emphasize the need to re-state the principles it proclaims; and the urgent necessity of legislative action to protect the public interest. The times demand action that is clear, unequivocal, and effective.

In particular, the present paralyzing telephone strike has made it abundantly evident that the general public is not protected against public utility strikes that threaten the very life of our people. That is the kind of work stoppage, arbitrary and dangerous, that I recommended legislation to prevent. Such strikes, in public utilities serving essential needs of the people, strangling the business of the State and Nation, endangering the health and safety of all the people, placing the interests of the few above the welfare of all, are intolerable.

If a strike or lockout in a utility serving the vital communication needs of the public can take place, similar curtailment of services could occur in public utilities providing light, power, transportation, and other services absolutely necessary to the general welfare. Without such services, hardship, suffering, and the dangers and calamities inherent in great catastrophies could occur. The people should not be exposed to such perils.

Let us not lose sight of the fact that a public utility operates under a franchise or certificate issued by the State. Our statutes clearly define the obligations and duties of a public utility, and provide that such utility must not suspend its services. The utility is subject to severe penalties, even extending to loss of franchise for violation of this statutory requirement. A work stoppage or strike in such a utility therefore has the effect of nullifying the statutes of Missouri, and challenges the sovereignty of the State. If a utility company

cannot disregard the public welfare, neither should its employees. The same yardstick of public service should apply to the employee as to the utility itself. A walkout of the nature of the telephone strike can be regarded, therefore, as a strike against the State itself. Thus we have a minority group, acting under the orders and leadership of men who have had no responsibility conferred upon them by the people, making decisions and dictating policies which abrogate the laws and make a mockery of the legislative acts of the elected representatives of the people.

The dangers inherent in this situation are recognized throughout the nation, and in some states legislation has been enacted for the purpose of preventing strikes in public utilities. I have in mind two states in which recent legislation has proven quite effective. In those states, laws were enacted which, while differing in the methods of handling situations arising from disputes between public utility employers and their employees, had this in common: Each law was clear, vigorous, and enforceable. There is no telephone strike today in those states. In another state a law was enacted that failed to do the job. Only after emergency amendments were adopted a few days ago, did this legislation become partially effective. These actions, in sister states, may well be heeded in our efforts, in Missouri, to meet this urgent problem.

House Bill No. 180 has been introduced in the Sixty-fourth General Assembly. The purpose of this bill is to prevent strikes, work stoppages, and lockouts in public utilities, but in its form as perfected it is, in my judgment, ineffective and unenforceable.

The original House Bill No. 180 contained Section 21, which provided penalties for violation of the act by individuals participating in a strike or a concerted refusal to work but this section was removed by amendment. This, or a similar section, should be restored to this bill.

In addition, the bill, to be effective, should expressly forbid lockouts, strikes, or work stoppages in public utilities, and should provide penalties for violation thereof by either the utility or the labor union.

The bill seeks to provide a form of mediation, but gives no assurance it would succeed. No provision is contained

which would enable the State, after having taken possession of the utility, to operate such utility, since there is no authority to prohibit the continuation of the strike by the members of the group engaged in it, and no penalties are provided for a continuation of the strike after the State has taken over.

The Governor, under this bill, could make "necessary rules and regulations to carry out the provisions of this Act," but there is no provision in the bill authorizing the Governor to enforce the rules and regulations. Furthermore, such proposed legislation, even when it authorizes the State to take possession of and operate a utility, does not contain any provision which would provide for the eventual resumption of such service to the public by the utility.

The legislation should further provide that courts of competent jurisdiction shall have authority to enforce by injunction the provisions of such legislation during the time the State operates the utility.

A joint and concurrent resolution has been introduced in the General Assembly providing for an amendment to the Constitution that would prohibit strikes by "public employees." The theory of the sponsors of this proposed constitutional amendment seems to be that if adopted the utility employees would become public employees if the operation of the utility is taken over by the State. But this is a long and delaying procedure. And if the proposed constitutional amendment is adopted it probably would require the enactment of legislation to make it operative.

I am not at this time discussing other legislation on this subject that has been introduced in the 64th General Assembly, but am confining these statements and recommendations to House Bill No. 180 solely because it has been perfected and has been made a special order of business for third reading and final passage for Wednesday, April 16. It is not too late to reconsider the vote by which this bill was perfected and amend it to provide for the recommendations contained in this message.

This legislation should have the earnest, courageous attention of every legislator and the executive alike. It should not be regarded as political, nor should legislation relating to this subject be introduced, or positions be taken, with political

considerations in mind. These things should be disregarded by both political parties. This is no time to take half-way measures, or to count the votes.

I urge that legislation, strong, effective, adequate to every emergency, be enacted. I recommend that this great service to our people be accomplished by this General Assembly, without regard to politics in any manner whatever. I ask you to take action as legislators and as citizens of Missouri. Let us chart our course down the road, swerving neither to the right nor to the left, giving to the people that protection and safety to which they are entitled.

The public's rights must be protected. This is an opportunity to re-state those rights, and to reaffirm them. They shall, and must be preserved.

PHIL M. DONNELLY,
Governor.

April 15, 1947.

TO THE SENATE

APRIL 17, 1947

From the Journal of the Senate, p. 598

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 17, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Andrew E. McInerney, 137 North Lawn, Kansas City, Missouri, as the Grain Warehouse Commissioner for the State of Missouri for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Turner B. Morton, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE GENERAL ASSEMBLY

MAY 15, 1947

From the Journal of the House of Representatives, pp. 1075-1076

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 15, 1947.

To the Senate and House of Representatives of the 64th General Assembly of the State of Missouri:

I am advised that additional funds are needed for the fiscal year ending June 30, 1947, for the following departments and institutions of the State government:

1. The Department of Education, for vocational rehabilitation services to the disabled and handicapped persons of the State of Missouri in order to meet the State's obligations in providing services to the handicapped so that they may be trained and equipped for employment in worthy occupations, the sum of $35,000.00 chargeable to the General Revenue Fund.

2. The Department of Education, for veterans training in meeting the State's needs for inspecting and listing educational and training institutions which are qualified to furnish training for returned veterans, the sum of $12,000.00 chargeable to the General Revenue Fund. It is my understanding that under the Federal act all expenditures for personal service and travel are refunded to the State; however, the State must first make the expenditures available before claim can be established for reimbursement.

3. The Department of Education, for vocational education, in order that schools may be reimbursed for providing vocational courses in vocational agriculture in training farm boys, vocational home economics for girls in home making, vocational trades, guidance and distributive education, the sum of $160,000.00 chargeable to that part of the general revenue set apart for the free public schools of Missouri. I am advised there are approximately three hundred schools offering vocational education. Said additional funds will be used for reimbursing schools and matching Federal funds for the same purpose.

4. Missouri School for the Blind, Division of Public Schools, Department of Education, the sum of $4,000.00 chargeable to that part of the general revenue set apart for the support of the free public schools of Missouri. This amount is needed in order to complete the current school year.

5. Federal Soldiers' Home (St. James), Division of Welfare, Department of Public Health and Welfare, the sum of $2,000.00 chargeable to the General Revenue Fund. This amount is needed due to increased prices in food and other operational items.

6. Missouri State Sanatorium (Mt. Vernon), Division of Health, Department of Public Health and Welfare, the sum of $5,000.00 chargeable to the General Revenue Fund. This amount is requested in order to purchase a special drug known as streptomycin, which is used in the treatment of patients at this institution.

7. Missouri Grain Warehouse Department, State Department of Agriculture, the sum of $21,000.00 chargeable to the fund into which the fees for weighing and inspection of grain are deposited, as follows:

Personal Service	$15,000.00
Operation	4,000.00
Repairs and Replacements	2,000.00

I recommend that the General Assembly consider the above requests and take such action in the premises as may be found necessary.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MAY 21, 1947

From the Journal of the Senate, p. 1090

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 21, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

William J. Studt, Republican, 3910 Sullivan, St. Louis, Missouri, as a member of the Board of Elections Commissioners for the City of St. Louis, Missouri, for a term ending June 14, 1949, and until his successor shall be appointed and qualified; vice, George P. Utter, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MAY 21, 1947

From the Journal of the Senate, p. 1091

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 21, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

John C. McLaughlin, Sedalia, Missouri, as Major General, Missouri National Guard, and assigned as Commanding General, 35th Division; to rank from October 7, 1946.

Winston W. Kratz, 10 Country Life Acres, Clayton, Missouri, as Brigadier General, Missouri National Guard, and assigned as Commanding General, 57th Fighter Wing; to rank from June 14, 1946.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MAY 22, 1947

From the Journal of the Senate, p. 1152

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 22, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Morris E. Osburn, Shelbyville, Missouri, as a member of the Public Service Commission, Department of Business and Administration, for a term ending April 15, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

Kyle D. Williams, Albany, Missouri, as a member of the Public Service Commission, Department of Business and Administration, for a term ending April 15, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

I designate the said Morris E. Osburn as Chairman of the Public Service Commission, Department of Business and Administration.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE HOUSE OF REPRESENTATIVES

MAY 26, 1947

From the Journal of the House of Representatives, pp. 1342-1343

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 26, 1947.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return to you House Substitute for House Bill No. 58, entitled:

"AN ACT

"To repeal Section 3100 of Article 1 and Section 3161 of Article 11, Chapter 14 of the Revised Statutes of Missouri, 1939, relating to the presentment for payment of negotiable instruments and presentment for acceptance of bills of exchange and to enact two new sections in lieu thereof to be known as Section 3100 and Section 3161 relating to the same subject."

On May 26, 1947, I approved said House Substitute for House Bill No. 58.

However, I wish to call attention to the fact that in the title, in line 3, the figures "11" should be "2." In other words, Section 3161 is in Article 2 and not in Article 11. This same error appears in Section 1, line 2.

Also, on page 2, Section 3161, line 3, the word "Section" should be "Sections."

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE HOUSE OF REPRESENTATIVES

MAY 29, 1947

From the Journal of the House of Representatives, pp. 1844-1845

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 29, 1947.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return to you House Bill No. 55, entitled:

"AN ACT

"To repeal Sections 7, 8 and 12 of an act of the 63rd General Assembly, approved February 9, 1946, known and designated as House Bill 526, relating to the creation and establishment of the office of constable and the election of constables in magistrate districts in counties of the first class and to enact three new sections to be known and designated as Sections 7, 7a and 8, relating to the same subject and providing for deputy constables, their compensation and qualifications, with an emergency clause."

On May 29, 1947, I approved said House Bill No. 55.

However, it is my opinion that Section 2, the emergency clause, does not state facts sufficient to bring this bill within the provisions of the Constitution relating to an emergency.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 7, 1947

From the Journal of the Senate, p. 1274

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 7, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

J. G. Morgan, Republican, Unionville, Missouri, as a member of the State Highway Commission, for a term ending December 1, 1951, and until his successor is duly appointed and qualified; vice, William A. Snider, deceased.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

JULY 7, 1947

From the Journal of the Senate, pp. 1286-1287

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 7, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith Senate Bill No. 100, entitled:

"AN ACT

"To repeal Sections 10346, 10353, 10357, 10367, 10370, 10374, 10390, 10392, 10393, and 10397, of Article 2, Chapter 72, Revised Statutes of Missouri, 1939; also

an act of the 61st General Assembly approved August 9, 1941, pages 547-548, Laws of Missouri, 1941; also an act of the 62nd General Assembly approved August 2, 1943, page 909, Laws of Missouri, 1943; relating to all classes of schools and to enact in lieu thereof thirteen new sections to be known as Sections 10327a, 10327b, 10346, 10353, 10357, 10364a, 10367, 10370, 10374, 10390, 10392, 10393, and 10397, relating to the same general subject matter, giving to the State Board of Education and the State Commissioner of Education certain powers and duties heretofore vested in the State Superintendent of Public Schools."

On July 7, 1947, I approved said Senate Bill No. 100.

I call attention to the fact that practically all of the provisions of Section 10374 of Senate Bill No. 100 were included in Section 10374 of Senate Committee Substitute for Senate Bill No. 4 of the Sixty-fourth General Assembly, which was approved June 2, 1947. In other words, Senate Bill No. 100 repealed and reenacted said Section 10374 of the 1939 Statutes. Senate Committee Substitute for Senate Bill No. 4 also repealed and reenacted Section 10374 but contains different subject matter than is in Section 10374 of Senate Bill No. 100. Neither Senate Committee Substitute for Senate Bill No. 4 nor Senate Bill No. 100 has an emergency clause. Therefore, Section 10374 of Senate Bill No. 100 being a later enactment, it is my opinion that it repeals by implication Section 10374 of Senate Committee Substitute for Senate Bill No. 4.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

JULY 7, 1947

From the Journal of the House of Representatives, p. 1387

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 7, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 162, entitled:

"AN ACT

"To repeal Sections 11408, 11449 and 11453 of an Act of the 63rd General Assembly known as House Bill No. 652, approved March 29, 1946, relating to and known as the 'Sales Tax Act,' and to enact in lieu thereof three new sections, relating to the same subject, to be known as Sections 11408, 11449, and 11453."

On July 7, 1947, I approved said House Bill No. 162.

I call attention to the fact that Sections 11449 and 11453 on page 3 of House Bill No. 162 are duplicates of Sections 11449 and 11453 of House Bill No. 274 of the Sixty-fourth General Assembly which I have previously approved.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 8, 1947

From the Journal of the Senate, p. 1274

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 8, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor George B. Clark, 706 Ambassador Building, St. Louis, Missouri, Democrat, as a member of the State Board of Chiropody, Division of Registration and Examination, State Department of Education, for a term ending July 1, 1951, and until his successor is appointed and qualified; vice, re-appointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 8, 1947

From the Journal of the Senate, p. 1275

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 8, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Doctor Edwin C. White, 3232 Euclid, Kansas City, Missouri, Democrat, as a member of the State Board of Medical

Examiners, Division of Registration and Examination, State Department of Education, for a term ending July 1, 1951, and until his successor is appointed and qualified; vice, reappointment.

Doctor Howard B. Goodrich, Hannibal, Missouri, Republican, as a member of the State Board of Medical Examiners, Division of Registration and Examination, State Department of Education, for a term ending July 1, 1951, and until his successor is appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 8, 1947

From the Journal of the Senate, p. 1275

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 8, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Ollin Drennan, Republican, Kirksville, Missouri, as a member of the State Board of Education, for a term ending July 1, 1955, and until his successor is appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

JULY 11, 1947

From the Journal of the House of Representatives, pp. 1397-1398

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 11, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 117, entitled:

"AN ACT

"To repeal Section 4420 of Article 4, Chapter 31 of the Revised Statutes of Missouri, 1939, relating to the punishment of persons for wife or child abandonment and for failure or refusal to support children, and to enact a new section in lieu thereof, relating to the same subject, to be known as Section 4420."

On July 11, 1947, I approved said House Bill No. 117.

I have approved House Bill No. 117 although this bill is not enrolled in accordance with the record as shown by the Journal of the House.

When the bill was originally introduced in the House it did not contain the words in Section 4420, page 2, lines 22 to 25, inclusive, to-wit:

"and it shall be no defense to such charge that some person or organization other than the defendant has furnished food, clothing, lodging, medical or surgical attention for said wife, child or children."

It did include in lines 25 to 29, inclusive, the words:

"and he or she shall, upon conviction, be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars ($1,000) or by both such fine and imprisonment."

On page 397 of the House Journal of the Sixty-fourth General Assembly, House Committee Amendment No. 2 was

reported by the committee, which amendment struck out the above words:

> "and he or she shall, upon conviction, be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars ($1,000.00) or by both such fine and imprisonment"

and inserted in lieu thereof the following:

> "and it shall be no defense to such charge that some person or organization other than the defendant has furnished food, clothing, lodging, medical or surgical attention for said wife, child or children."

On page 480 of the Journal of the House of the Sixty-fourth General Assembly the record shows that House Committee Amendment No. 2 was adopted. However, in perfecting the bill the above words, pertaining to the penalty which were stricken out by House Committee Amendment No. 2, were left in the bill which words are:

> "and he or she shall, upon conviction, be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars ($1,000.00) or by both such fine and imprisonment."

In lines 21 and 22 on page 2 of the Truly Agreed To and Finally Passed House Bill No. 117 it states "then such person shall be deemed guilty of a misdemeanor." No doubt the House Committee deemed this language sufficient because the general statute states what the punishment shall be for a person found guilty of a misdemeanor and for that reason the specific provision for the punishment was stricken out of the original House Bill No. 117 by House Committee Amendment No. 2. In perfecting the bill the specific punishment was again included in the bill.

In view of the fact that the record is correct on this bill and the further fact that there is no conflict in the punishment provided for in this bill, I have approved the bill.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

JULY 11, 1947

From the Journal of the House of Representatives, pp. 1402-1403

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 11, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 289, entitled:

"AN ACT

"To amend an act of the 63rd General Assembly known as Senate Bill No. 349, approved May 3, 1946, relating to the creation and establishment of a department of public health and welfare, by inserting immediately following Section 10 of said act, nine new sections relating to the institutions under the control of the department of public health and welfare, the maintenance of actions in court in behalf of the institutions, the right of eminent domain of the institutions, the furnishing of living quarters to employees of the institutions, the food furnished to persons other than employees, the mistreating of persons in the institutions, the furnishing of diseased or unfit foods and meats to patients, the aiding of escape of state wards in the institutions, and the employment of physicians by relatives of persons committed to such institutions, to be known as Sections 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, and 10i."

On July 11, 1947, I approved said House Bill No. 289.

I call attention to Section 10a on page 2. Section 10a purports to be a copy of Section 9306, Revised Statutes of Missouri, 1939, except that the words "eleemosynary institution" are changed to read "department of public health and welfare" and other corrective changes are made.

However, in line 9 after the word "institution" and before the word "on" several words have been omitted. Said omitted words being "from the time when the cause of action

accrued. In actions for any indebtedness, or for any damages due the institution." It is my opinion that said words or similar language should be inserted in Section 10a in line 9 after the word "institution" and before the word "on" in order to make said sentence read correctly.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

JULY 11, 1947

From the Journal of the House of Representatives, pp. 1404-1405

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 11, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 295, entitled:

"AN ACT

"To establish funds in the state treasury for the state hospitals, state school, and state sanatorium; to provide a revolving fund for each such institution, that charges to pay patients be uniform between certain of the institutions, that the department of revenue shall collect sums due such institutions, and that patients may be returned to counties not remitting for their maintenance."

On July 11, 1947, I approved said House Bill No. 295.

I call attention to the fact that in Section 1, line 5, after the word "Whenever" and before the word "any" the word "under" apparently has been omitted. Said word "under" appeared in Section 9365, Revised Statutes of Missouri, 1939, from which this part of Section 1 of House Bill No. 295 was copied.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 11, 1947

From the Journal of the Senate, p. 1276

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 11, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Harry L. Stover, 1248 West 61st Street Terrace, Kansas City, Missouri, as a member of the Missouri State Board of Accountancy, Division of Registration and Examination, State Department of Education, for a term ending five years from the time of his appointment and qualification and until his successor is duly appointed and qualified; vice, F. G. Buenger, term expired.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

JULY 22, 1947

From the Journal of the Senate, pp. 1390-1391

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 22, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith Senate Committee Substitute for Senate Bill No. 79, entitled:

"AN ACT

"To provide for the settlement of jurisdictional labor disputes and disputes over labor representation; to prohibit jurisdictional strikes, sympathy strikes, secondary boycotts and strikes against government and to provide penalties for violation of this act; to require and regulate elections among members of labor organizations with respect to any strike; to provide for the enforcement of working agreements or contracts between employers and labor organizations; to provide for the enforcement of the provisions of this act, and to provide for the payment of expenses for administration of this act."

On July 22, 1947, I approved said Senate Committee Substitute for Senate Bill No. 79.

I call attention to Section 1, line 9, page 2, where reference is made to "Section 8 of this act." This reference should be to Section 7 of this act. In the original Senate Committee Substitute for Senate Bill No. 79 the original Section 8 was renumbered on perfection to Section 7, as one section was stricken from the bill on perfection by the adoption of Senate Amendment No. 4 striking out original Section 3, and the remaining sections were renumbered.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

JULY 24, 1947

From the Journal of the House of Representatives, pp. 1525-1526

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 24, 1947.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 105, entitled:

"AN ACT

"Authorizing, defining and regulating the practice of the operative procedures of dental hygiene by duly licensed dental hygienists under the supervision of qualified dentists; providing for the administration of the Act by the Missouri Dental Board, and prescribing penalties for violation of the Act."

On July 24, 1947, I approved said House Bill No. 105.

I wish to call attention to the following:

On page 4, Section 8, lines 3, 4, and 5 it provides that the registrant shall pay to the Board the sum of two dollars as an annual license fee, etc.

Senate Bill No. 110 enacted by the Sixty-fourth General Assembly repealed and reenacted certain sections of Chapter 64, Revised Statutes of Missouri, 1939, relating to the State Board of Dental Examiners. Section 10064 of Senate Bill No. 110, lines 30 to 35, inclusive, provides:

"All monies collected under the provisions of this chapter shall be payable to and collected by the Division of Collection in the Department of Revenue and shall be deposited in the state treasury to the credit of the dental board fund which is hereby established."

The above provision in Section 8 of House Bill No. 105 conflicts with the above provision in Section 10064 of Senate Bill No. 110. However, from a practical standpoint I believe these two bills can be reconciled until House Bill No. 105 has been corrected.

In House Bill No. 105 there is a provision in Section 13 on page 7 as follows:

"The monies coming to the Board by virtue of this Act shall be collected, kept and deposited, and placed in the state treasury to the credit of the same fund, as is provided for in Revised Statutes of Missouri, 1939, Chapter 64, and amendments thereto, with respect to the monies coming to the Board by virtue of that Chapter." (Underscoring mine.)

As the Missouri Dental Board has the administration of House Bill No. 105, I believe the license fees referred to in Section 8 of House Bill No. 105 can be collected by the Division of Collection in the Department of Revenue, by designating the secretary of the Missouri Dental Board as a deputy of the Revenue Department for the purpose of collecting the license fees and paying the same into the State Treasury as provided for in Senate Bill No. 110.

There is a provision in House Bill No. 105 in Section 5 that may be found difficult to handle from a practical standpoint. In lines 17 to 20 of Section 5 it states:

> "Provided that in the event any applicant is found by the Board to be ineligible to take the examination twenty (20) dollars of the twenty-five (25) dollars fee shall be returned to the applicant."

Under the revenue law and the Constitution all fees and licenses are to be promptly paid into the State Treasury. I do not think the Board has any authority to hold the applicant's fee until it is determined whether or not the applicant is ineligible to take the examination. Said proviso does not state whether it is the Dental Board or the General Assembly which is to return the twenty dollars to the applicant. It implies that it is the Dental Board. However, I believe this provision can be made workable by a rule adopted by the Missouri Dental Board.

I am approving this bill, but I suggest that it be corrected at the next session of the General Assembly so that it will comply with the law pertaining to the collection of license fees.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JULY 31, 1947

From the Journal of the Senate, p. 1383

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 31, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

William J. Studt, Republican, 3910 Sullivan, St. Louis, Missouri, as a member of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending June 14, 1949, and until his successor shall be appointed and qualified; vice, George P. Utter, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 18, 1947

From the Journal of the Senate, p. 1383

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 18, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

W. Robert Evans, Republican, 600 West 69th Street, Kansas City, Missouri, as a trustee of the State Board of

Training Schools, Division of Educational Institutions, Department of Corrections, for a term of six years from the 18th day of August, 1947, and until his successor is appointed and qualified; vice, John Thornberry, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 25, 1947

From the Journal of the Senate, p. 1384

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 25, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor George L. Hale, Sikeston, Missouri, as a member of the State Board of Optometry, Division of Registration and Examination, State Department of Education, for a term ending five years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Gus W. Sherman, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

SEPTEMBER 22, 1947

From the Journal of the Senate, p. 1384

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
September 22, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

P. M. Marr, Democrat, Milan, Missouri, as a member of the Board of Regents for the Northeast Missouri State Teachers College, Kirksville, Missouri, State Department of Education, for a term ending January 1, 1949, and until his successor is duly appointed and qualified; vice, Charles W. Shelton, deceased.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

SEPTEMBER 22, 1947

From the Journal of the Senate, p. 1385

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
September 22, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Russell W. Gabriel, Democrat, 410 North River, Independence, Missouri, as a member and Chairman of the Board

of Election Commissioners for Jackson County, Missouri, for a term ending February 6, 1950, and until his successor shall be appointed and qualified; vice, Ernest W. Cooper, deceased.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

SEPTEMBER 23, 1947

From the Journal of the Senate, p. 1385

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
September 23, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

J. Doyle Norris, St. Joseph, Missouri, as a member of the Board of Pharmacy, Division of Registration and Examination, State Department of Education, for a term ending August 16, 1952, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 13, 1947

From the Journal of the Senate, p. 1386

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 13, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

R. Robert Cohn, 310 East 67th Street, Kansas City, Missouri, as a member of the Board of Police Commissioners for Kansas City, Missouri, for a term ending four years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Lowell R. Johnson, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 13, 1947

From the Journal of the Senate, p. 1386

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 13, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor James M. Hern, Columbia, Missouri, Republican, as a member of the State Board of Chiropody, Division of

Registration and Examination, State Department of Education, for a term ending July 1, 1948, and until his successor is duly appointed and qualified; vice, Doctor C. Milton Stewart, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 24, 1947

From the Journal of the Senate, p. 1387

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 24, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Mrs. Olive J. Decatur, 1131 Sherman, Springfield, Missouri, as a member of the Board of Curators of Lincoln University of Missouri, State Department of Education, for a term ending January 1, 1950, and until her successor is duly appointed and qualified; vice, C. C. Hubbard, deceased.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 25, 1947

From the Journal of the Senate, pp. 1387-1388

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

October 25, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Vance Julian, Clinton, Missouri, as Chairman and a member of the State Board of Mediation, Department of Labor and Industrial Relations, for a term ending three years from October 25, 1947, and until his successor is duly appointed and qualified.

Charles W. Boutin, Cape Girardeau, Missouri, as a member of the State Board of Mediation, Department of Labor and Industrial Relations, an employer of labor, for a term ending two years from October 25, 1947, and until his successor is duly appointed and qualified.

Gerald H. Frieling, 215 East 74th Street, Kansas City, Missouri, as a member of the State Board of Mediation, Department of Labor and Industrial Relations, an employer of labor, for a term ending one year from October 25, 1947, and until his successor is duly appointed and qualified.

Carl Mitchell, 14 Ponca Trail, Kirkwood, St. Louis County, Missouri, as a member of the State Board of Mediation, Department of Labor and Industrial Relations, an employee holding membership in a labor union, for a term ending two years from October 25, 1947, and until his successor is duly appointed and qualified.

John Alvin White, 2501 Sylvania Street, St. Joseph, Missouri, as a member of the State Board of Mediation, Department of Labor and Industrial Relations, an employee holding membership in a labor union, for a term ending one year from

October 25, 1947, and until his successor is duly appointed and qualified.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 28, 1947

From the Journal of the Senate, p. 1388

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 28, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

George M. Reed, Waynesville, Pulaski County, Missouri, as State Service Officer, for a term of four years and until his successor is duly appointed and qualified; vice, Roy F. Beaman, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

NOVEMBER 26, 1947

From the Journal of the Senate, pp. 1388-1389

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
November 26, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Walter E. Bryan, professional engineer, 5915 De Giverville, St. Louis, Missouri, as a member of the State Board of Registration for Architects and Professional Engineers, Division of Registration and Examination, State Department of Education, for a term ending October 29, 1953, and until his successor is appointed and qualified; vice, reappointment.

John M. Schaper, architect, Jefferson City, Missouri, as a member of the State Board of Registration for Architects and Professional Engineers, Division of Registration and Examination, State Department of Education, for a term ending October 29, 1953, and until his successor is appointed and qualified; vice, reappointment.

William M. Spann, professional engineer, 230 West 70th Street, Kansas City, Missouri, as a member of the State Board of Registration for Architects and Professional Engineers, Division of Registration and Examination, State Department of Education, for a term ending six years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Arthur W. Archer, term expired.

I designate Bruce Williams, professional engineer, Joplin, Missouri, who is now a member of the State Board of Registration for Architects and Engineers, Division of Registration and Examination, State Department of Education, as Chairman of said Board.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

NOVEMBER 26, 1947

From the Journal of the Senate, p. 1389

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
November 26, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor John A. Brunner, Route 4, Oak Hill Gardens, North Kansas City, Clay County, Missouri, as a member of the Missouri Dental Board, Division of Registration and Examination, State Department of Education, for a term ending five years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Charles W. Keeling, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

NOVEMBER 26, 1947

From the Journal of the Senate, p. 1390

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
November 26, 1947.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Charles F. Lamkin, Jr., Democrat, 647 West 59th Street, Kansas City, Missouri, as a member of the State Board of Education, for a term ending July 1, 1950, and until his successor is appointed and qualified; vice, James E. Nugent, deceased.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE GENERAL ASSEMBLY

JANUARY 7, 1948

From the Journal of the House of Representatives, pp. 1518-1523

To the Senate and House of Representatives of the Sixty-fourth General Assembly:

Before this General Assembly recessed on July 14, 1947, appropriations were made for the period beginning July, 1947, and ending June 30, 1948, for the purpose of providing funds for the support of the State government.

Since these appropriations were made events and circumstances beyond our control have made some of them totally inadequate. Further, laws were enacted requiring the expenditure of funds for which no appropriations were made. Also, certain programs which operate under constitutional and statutory mandate are affected and require additional appropriations.

It is therefore my duty to come before you today to recommend that supplemental and additional appropriations be made for the remainder of the current fiscal year in order that certain institutions and departments of the State government may continue to function and that appropriations for emergencies be enacted.

With these purposes in mind I wish to submit the following information and to make suggestions and recommendations:

It is generally known there has been an increase in the cost of food, clothing, grain, coal, freight rates, and other com-

modities. This increase has been and is a serious problem in the operation of certain institutions of the State government. The cost of food at the State Hospitals has increased thirty-five to forty-five per cent within the past twelve months. In 1946 corn was $1.52 per bushel and now it is $2.85 per bushel. In 1946 oats were 85 cents per bushel and now $1.35 per bushel. In 1946 denim was 25 cents per yard and now it is 45 cents per yard. Unbleached muslin was 18 cents per yard and now it is 35 cents per yard. Bleached muslin was 22 cents per yard and now it is 40 cents per yard. All of these articles are essential and necessary in the operation of the State Hospitals. Similar comparisons of increased cost can be made of numerous other articles.

There were garden failures at all the Hospitals during the past summer. This was due to excessive rains and adverse weather conditions in the early part of the season and later to the long drouth period. The Hospitals depend to a large extent on their gardens for green vegetables in season and for canning for winter consumption.

For instance, at Hospital No. 1, Fulton, in 1946 seventeen thousand gallons of tomatoes were canned. In 1947 no tomatoes were canned. The Hospitals have endeavored to recoup their garden losses by canning donated sweet potatoes and in the purchase of apples but even so they are short of fruit and vegetables necessary for a balanced diet.

In past years the Hospitals received a considerable amount of government donated commodities, but they have not received such commodities to any great extent during the current fiscal year. In 1946, for example, they received many carloads of potatoes for the cost of the freight alone. In 1947 they had to purchase potatoes at the increased market prices.

During the war the Hospitals depleted their storeroom supplies but they had hoped to replenish needed supplies after the war. They have been prevented from doing this by the continual rise in prices. Consequently, in addition to their present needs they again should build up a stock of items such as sheets, pillow cases, towels, winter clothing, soap, chemicals, drugs, and other necessary articles.

For the above reasons, a supplemental appropriation of $297,000.00 from General Revenue for Operation for the re-

maining period of the fiscal year for the following institutions is recommended:

State Hospital No. 1, Fulton	$ 70,000.00
State Hospital No. 2, St. Joseph	68,000.00
State Hospital No. 3, Nevada	58,000.00
State Hospital No. 4, Farmington	51,000.00
Missouri State School, Marshall and Carrollton	50,000.00
	$297,000.00

I am informed that an additional appropriation of $1,000.00 for Operation will be needed at the Confederate Home at Higginsville for the current fiscal year ending June 30, 1948.

The Department of Corrections is confronted with the same problem of increased prices in the purchase of food and commodities as is experienced by the State Hospitals. For instance, stoker coal was $2.15 per ton in November, 1946. It has increased in price until now it is $4.00 per ton. During the past six months approximately fifteen thousand tons of coal have been used and paid for out of current funds. On this price basis for the next six months there will be an increase in the cost of coal of $18,750.00. In November, 1946, flour was $4.55 per hundred weight. It is now $7.00 per hundred weight. Approximately 288,500 pounds of flour were used during the period of July 1 to December 31, 1947. Numerous other examples of the increased cost of food and commodities could be given.

There was a complete loss of vegetable, grain, and hay crops on the farms and land under the supervision of the Department of Corrections on account of the floods in June, 1947. This loss was estimated at $250,000.00 and has been continuously and keenly felt when food and commodity items to replace these losses are purchased at current inflationary prices. It was necessary to expend for cabbage, onions, tomatoes, corn, and other vegetables approximately $27,000.00 since July, 1947. It will be necessary to continue to buy vegetables until the 1948 crop. The same is true as to the grain and hay crops.

Therefore, because of the devasting floods, the drouth that followed the floods, and the increase in the current prices

of food, clothing, grain, coal, and other commodities, a supplemental appropriation of $125,000.00 for Operation from General Revenue for the Department of Corrections will be needed for the State Penitentiary and the sum of $30,000.00 for Operation from General Revenue will be needed by the Intermediate Reformatory—Algoa, for the remainder of the current fiscal year.

The State Board of Training Schools states that on account of the increased cost of operation it is necessary to have an additional appropriation of $25,000.00 from General Revenue for Operation at the Training School for Boys for the remainder of the current fiscal year.

The appropriation for Operation of the Division of Public Buildings in the Department of Revenue was $65,000.00 for the current fiscal year. There is an unencumbered balance in this fund, as of December 31, 1947, of $35,265.00. However, considering the increase in the price of coal, fuel, oil, freight, and necessary supplies, it is estimated that an additional sum of $16,000.00 will be required for the remainder of the current fiscal year.

I am advised by the Director of the Division of Public Buildings that the roof on the Capitol Building has deteriorated to such an extent that there are a number of leaks in various parts of the roof. The flashing is in bad condition, which will necessitate new flashing at the wall line all along the building. A large part of the copper roof should be replaced and the remainder re-soldered. The Director of the Division of Public Buildings has estimated that an appropriation of $17,500.00 should be made for repairing the roof of the Capitol Building.

This General Assembly enacted legislation authorizing increases in the salaries of the judges and commissioners of the Supreme and Appellate Courts, and the members of, and the general counsel and secretary to the Public Service Commission. An additional appropriation to pay these increases in salary, for the remainder of the fiscal year ending June 30, 1948, is recommended as follows:

Salaries of Judges of the Supreme Court..$11,316.67
Salaries of Commissioners of the Supreme Court..... 9,700.00

Salaries of Judges of the Kansas City Court of Appeals	$4,850.00
Salaries of Commissioners of the Kansas City Court of Appeals	3,233.34
Salaries of Judges of the Springfield Court of Appeals	4,850.00
Salaries of Judges and Commissioners of the St. Louis Court of Appeals	8,083.34
Salaries of five Commissioners on the Public Service Commission	6,062.50
Salary of General Counsel to the Public Service Commission	1,212.50
Salary of Secretary to the Public Service Commission	450.00

This General Assembly enacted Senate Committee Substitute for Senate Bill No. 79, entitled:

"An Act to provide for the settlement of jurisdictional labor disputes and disputes over labor representation; to prohibit jurisdictional strikes, sympathy strikes, secondary boycotts and strikes against government and to provide penalties for violation of this act; to require and regulate elections among members of labor organizations with respect to any strike; to provide for the enforcement of working agreements or contracts between employers and labor organizations; to provide for the enforcement of the provisions of this act, and to provide for the payment of expenses for administration of this act."

However, funds were not appropriated by the General Assembly for the payment of the expenses of administering this act.

The Industrial Commission has received requests to conduct a large number of strike elections under the provisions of this act. It will be necessary to employ a staff, rent office space, buy office equipment and supplies, in addition to the expense of operation. It is estimated there will be needed the sum of $60,000.00 to administer this law for the period ending June 30, 1948.

The Supreme Court in construing an act of the Sixty-third General Assembly, Laws of Missouri, 1945, page 807,

providing for magistrate courts within cities of more than 600,000 inhabitants, ruled that the State shall pay the salaries of a chief clerk and two deputy clerks for the magistrate court of the City of St. Louis. The appropriation for the current fiscal year does not provide for these salaries. The salaries for these officers for the current fiscal year are: Chief Clerk $5,000.00, 2 deputies, $2,400.00 each, making a total of $9,800.00.

Also, there should be an appropriation to pay the salary of the chief clerk of the magistrate court of the City of St. Louis for the period of four (4) months ending June 30, 1947, of $1,666.66; and for the salary of one deputy clerk for two months, $400.00, making a total of $2,066.66.

Senate Bill No. 94 of the Sixty-fourth General Assembly provides that the State shall pay the premiums on the bonds of the clerks of the magistrate courts. However, no appropriation was made for this purpose. It is recommended that the sum of $1,000.00 be appropriated to pay such premiums.

In regard to the salaries of special magistrates, the Attorney General has ruled that the provisions in Section 10a, page 771, Laws of Missouri 1945, for charging salaries and expenses of special magistrates against the salary of the regular magistrate, does not apply to probate judges who act as magistrates in counties of 30,000 or less population, but that the regular probate judge and ex-officio magistrate in such counties should receive the full pay regardless of the amount paid to a special probate judge and ex-officio magistrate. The present appropriation is for the exact amount needed to pay the regular probate judges and ex-officio magistrates as provided by law. Unless an additional appropriation is made for special magistrates, there will not be sufficient funds to pay the regular probate judges and ex-officio magistrates for the entire year.

I call your attention to the fact that an additional appropriation will be required to pay the State's part of the cost of assessing and collecting the revenue. The total amount of claims due the counties and the City of St. Louis is unknown at this time.

There was appropriated for the current fiscal year, chargeable to the General Revenue Fund, the sum of $14,000.00 to pay the several counties for wolf bounties. This General

Assembly increased the amount that a county court may pay for wolf bounties. Claims approved and charged against the current appropriation to December 31, 1947, amount to $9,653.50, leaving a balance in the appropriation of $4,346.50. However, it is estimated that an additional sum of $12,000.00 for this purpose will be required for the remainder of the current fiscal year.

The appropriation for the current fiscal year for the apprehension of criminals was $15,000.00. Payments during the first half of the current fiscal year were approximately thirty per cent higher than the first half of the fiscal year 1946-1947. Assuming that payments will continue at the same rate, an additional sum of $4,500.00 will be required for the remainder of the current fiscal year.

There was appropriated for the current fiscal year, out of the State Highway Department Fund, the sum of $1,050,000.00 for the purpose of paying gasoline tax refunds as provided by law. Claims approved and charged against this appropriation to December 31, 1947, amount to $853,348.39, leaving a balance of $196,651.61. It is estimated that claims for gasoline tax refunds for the balance of the fiscal year will amount to $758,000.00. In order that such claims may be paid, as provided by law, I recommend an additional appropriation of $562,000.00, chargeable to the State Highway Department Fund.

Appropriations for the current fiscal year for old age assistance and aid-to-dependent children are not sufficient to meet in full the needs of persons eligible for assistance under these programs. Old age assistance recipients are now being paid on the basis of ninety per cent of the amount to which they are entitled under the law, and aid-to-dependent children recipients receive sixty-six and two-thirds per cent of the amount to which they are found to be eligible from aid-to-dependent children funds. The Federal government participates financially in both of these programs, meeting approximately fifty-eight per cent of total old age assistance expenditures and paying about sixty per cent of the total costs for aid-to-dependent children. Reductions have been made in the grants of the recipients under these two Federal-State programs since July, 1947.

I recommend that this General Assembly authorize by resolution the payment of grants in full, effective January 1, 1948, for both old age assistance and aid-to-dependent children and that additional funds be appropriated by this General Assembly prior to its adjournment to provide for the amount which will be needed to meet the deficit which would be incurred through payment of full grants.

The Federal government will make available Federal funds to meet the government's share of the amounts deducted from the assistance checks for both aid-to-dependent children and old age assistance for two months prior to January, 1948, namely: the months of December and November, 1947, if this supplemental payment is authorized in January, 1948. I believe that this General Assembly should give serious consideration to authorizing the payment to each recipient of the amounts deducted from the checks for November and December, 1947.

Since the Federal government will match payments for November and December, 1947, if the payment is authorized in January, 1948, it is my belief that the State should take advantage of the amounts that are available from the Federal government and provide State funds by resolution in January to compensate those on old age assistance and aid-to-dependent children rolls for the amounts deducted from their checks for those two months.

Unemployable persons on general relief rolls in Missouri are being paid on the basis of fifty-two per cent of the amount which it has been determined they require to meet minimum subsistence needs. Persons on general relief are entirely unemployable, consisting of the crippled, the sick, and otherwise destitute who have no possibility of earning their livelihood.

I recommend that the General Assembly appropriate additional funds for the remainder of the current fiscal year to pay grants to unemployable persons on relief rolls on a basis of decency and health as provided by State law.

I am advised by the State Veterinarian that it may be necessary to enforce strict quarantine measures to protect the live stock industry of Missouri if the foot and mouth disease in cattle should spread to this country.

According to recent reports it would appear that all efforts of the American and Mexican authorities have failed to eradi-

cate this disease. If the disease is permanently established on Mexican soil it will mean that the United States will have to enforce rigid quarantine measures if we are successfully to prevent the infection from entering this country. It is not necessary for us to become unduly alarmed about this matter to appreciate its serious nature. We must take cognizance of the fact that many American citizens travel to Mexico by automobile and plane, and even though precautions are taken the virus may find its way into our country. We cannot afford to temporize with this disease.

In view of the large live stock industry in Missouri, I suggest that the General Assembly give serious consideration to an emergency appropriation of $100,000.00 to be used in the event we are called upon to take action. I am informed that a number of states already have set aside funds for this purpose.

The recommendations that I have made today cover only supplemental, additional, and emergency appropriations for the remainder of the current fiscal year. If in addition to the regular appropriation measures, the recommendations submitted in this message, and legislation which is pending and under consideration, the General Assembly has time to consider new legislation I will have recommendations to submit for its consideration.

Again I assure the members of the General Assembly of my cooperation in your efforts to serve the State.

PHIL M. DONNELLY,
Governor.

January 7, 1948.

TO THE SENATE

JANUARY 13, 1948

From the Journal of the Senate, pp. 1410-1411

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

January 13, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

On May 21, 1947, I appointed William J. Studt, Republican, as a member of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending June 14, 1949; vice, George P. Utter, resigned. Mr. Studt's residence address at that time was 3910 Sullivan, St. Louis, Missouri.

His appointment was not acted upon by the Senate at the time of its recess on July 14, 1947.

Thereafter, on July 31, 1947, I appointed William J. Studt, Republican, as a member of the Board of Election Commissioners for the City of St. Louis, Missouri, for a term ending June 14, 1949; vice, George P. Utter, resigned. His residence address at that time was 3910 Sullivan, St. Louis, Missouri. A commission was issued to Mr. Studt.

I am advised by Mr. Studt that since his appointment July 31, 1947, he has moved from 3910 Sullivan Avenue to 4144 St. Louis Avenue and that his residence address now is 4144 St. Louis Avenue, St. Louis, Missouri.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JANUARY 20, 1948

From the Journal of the Senate, p. 1434

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
January 20, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

John J. Powers, Democrat, 6250 Westminster Place, St. Louis, Missouri, as a member of the State Highway Commission, for a term ending December 1, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

John C. Harlin, Republican, Gainesville, Missouri, as a member of the State Highway Commission, for a term ending six years from the time of his appointment and qualification and until his successor is duly appointed and qualified; vice, E. N. Meador, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JANUARY 20, 1948

From the Journal of the Senate, pp. 1434-1435

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
January 20, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Preston N. Cook, Democrat, Monett, Missouri, as a member of the State Commission of Resources and Development, Department of Business and Administration, for a term ending six years from the time of his appointment and qualification and until his successor is duly appointed and qualified; vice, W. P. Keltner, term expired.

Uel W. Lamkin, Democrat, Maryville, Missouri, as a member of the State Commission of Resources and Development, Department of Business and Administration, for a term ending six years from the time of his appointment and qualification and until his successor is duly appointed and qualified; vice, Bert Cooper, term expired.

M. R. Rowland, Democrat, Caruthersville, Missouri, as a member of the State Commission of Resources and Development, Department of Business and Administration, for a term ending November 21, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

Herman M. Haag, Republican, Columbia, Missouri, as a member of the State Commission of Resources and Development, Department of Business and Administration, for a term ending November 21, 1951, and until his successor is duly appointed and qualified; vice, Allen P. Green, Jr., resigned.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

FEBRUARY 3, 1948

From the Journal of the Senate, p. 1501

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

February 3, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Charles A. Miller, Democrat, 20 West 36th Street, Kansas City, Missouri, as a member of the State Tax Commission, Department of Revenue, for a term ending January 23, 1954, and until his successor shall be appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

FEBRUARY 18, 1948

From the Journal of the Senate, p. 1554

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
February 13, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

John H. Flanigan, Jr., Republican, Carthage, Missouri, as a member of the State Board of Education, for a term ending July 1, 1951, and until his successor is appointed and qualified; vice, John H. Flanigan, Jr., resigned and reappointed.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 4, 1948

From the Journal of the Senate, pp. 1655-1656

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 4, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Alfred Fleishman, Democrat, 5656 Waterman Avenue, St. Louis, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term ending July 1, 1952, and until his successor is appointed and qualified; vice, William Wildeboor, removed by Governor January 30, 1948.

Oren J. Lamb, Republican, Macon, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term ending July 1, 1951, and until his successor is appointed and qualified; vice, Mrs. Mayme H. Ousley, removed by Governor January 30, 1948.

Francis Smith, Democrat, 2100 Lovers Lane, St. Joseph, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term ending July 1, 1950, and until his successor is appointed and qualified; vice, Mrs. Tom Stark, removed by Governor January 30, 1948.

A. B. Cooper, Republican, Charleston, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term ending July 1, 1949, and until his successor is appointed and qualified; vice, Fred W. Naeter, removed by Governor January 30, 1948.

J. S. Williamson, Democrat, Route 4, Columbia, Missouri, as a trustee of the State Board of Training Schools,

Division of Educational Institutions, Department of Corrections, for a term ending July 1, 1948, and until his successor is appointed and qualified; vice, Thomas P. Neill, removed by Governor January 30, 1948.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 4, 1948

From the Journal of the Senate, p. 1656

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 4, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

On August 18, 1947, I appointed and commissioned W. Robert Evans, Republican, 600 West 69th Street, Kansas City, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term of six years from the 18th day of August, 1947, and until his successor is appointed and qualified; vice, John Thornberry, term expired, and delivered said appointment to the office of the Secretary of the Senate on August 18, 1947; the Senate has not acted on said appointment.

On January 30, 1948, I removed W. Robert Evans as a trustee of the State Board of Training Schools and, therefore, wish to withdraw from your consideration the name of W. Robert Evans and submit in lieu thereof a new appointment to the State Board of Training Schools, as follows:

J. John Gillis, Republican, Park Central Hotel, Kansas City, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term ending six years from the time of his appointment and qualification and until his successor is ap-

pointed and qualified; vice, John Thornberry, term expired; and vice, W. Robert Evans, removed by Governor January 30, 1948.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 11, 1948

From the Journal of the Senate, p. 1710

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 11, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I return to you Senate Bill No. 293, entitled:

"AN ACT

"To repeal Section 3727, Article 2, Chapter 29, of the Revised Statutes of Missouri, 1939, as amended by an act of the 61st General Assembly, found in Laws of Missouri, 1941, page 718, approved July 28, 1941, relating to limitation of action under the Workmen's Compensation Act, and to enact a new section in lieu thereof relating to the same subject matter, to be known as Section 3727."

On March 11, 1948, I approved said Senate Bill No. 293.

This bill refers to Article 2 in Chapter 29. There is no Article 2 in Chapter 29, Revised Statutes of Missouri, 1939.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 15, 1948

From the Journal of the Senate, pp. 1710-1711

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 15, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

F. Claude Davis, Jr., 30th and Francis, St. Joseph, Missouri, as a member of the Board of Police Commissioners for the City of St. Joseph, Missouri, for a term ending February 19, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 15, 1948

From the Journal of the Senate, p. 1711

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 15, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

On August 25, 1947, I appointed and commissioned Doctor George L. Hale, Sikeston, Missouri, as a member of the State Board of Optometry, Division of Registration and Examination, State Department of Education, for a term ending five years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice,

Gus W. Sherman, term expired, and delivered said appointment to the office of the Secretary of the Senate on August 25, 1947; the Senate has not acted on said appointment.

On January 5, 1948, I received and accepted the resignation of Doctor George L. Hale as a member of the State Board of Optometry and, therefore, wish to withdraw from your consideration the name of Doctor George L. Hale and submit in lieu thereof a new appointment to the State Board of Optometry, as follows:

Doctor Joseph L. Mosley, Cape Girardeau, Missouri, as a member of the State Board of Optometry, Division of Registration and Examination, State Department of Education, for a term ending five years from the time of his appointment and qualification and until his successor shall be appointed and qualified; vice, Gus W. Sherman, term expired and vice, George L. Hale, resigned.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

MARCH 15, 1948

From the Journal of the Senate, p. 1712

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 15, 1948.

Honorable Roy D. Miller, Secretary of the Senate, Jefferson City, Missouri:

Dear Senator Miller:

I would appreciate your conveying to the members of the State Senate my sincere thanks for the Resolution which they adopted and for the flowers which they sent to me on the occasion of my birthday.

With best wishes, I am

Sincerely,

PHIL M. DONNELLY.

TO THE SENATE

MARCH 22, 1948

From the Journal of the Senate, pp. 1816-1817

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 22, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Dewey P. Thatch, Republican, Clinton, Missouri, as a member of the Board of Regents for Central Missouri State College, Warrensburg, Missouri, State Department of Education, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, George Burns, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 25, 1948

From the Journal of the Senate, p. 1879

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 25, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Frank L. Williams, 4217 Enright Avenue, St. Louis, Missouri, as a member of the Board of Curators of Lincoln University of Missouri, State Department of Education, for a

term ending January 1, 1954, and until his successor is duly appointed and qualified; vice, A. Willard Craddock, term expired.

Earl D. Thomas, 2418 West Paseo, Kansas City, Missouri, as a member of the Board of Curators of Lincoln University of Missouri, State Department of Education, for a term ending January 1, 1954, and until his successor is duly appointed and qualified; vice, J. Edward Perry, term expired.

Carl G. Stifel, 625 South Skinker, St. Louis, Missouri, as a member of the Board of Curators of Lincoln University of Missouri, State Department of Education, for a term ending January 1, 1954, and until his successor is duly appointed and qualified; vice, John W. Evans, term expired.

Canby G. Lord, 4231 Windsor, Kansas City, Missouri, as a member of the Board of Curators of Lincoln University of Missouri, State Department of Education, for a term ending January 1, 1950, and until his successor is duly appointed and qualified; vice, Edward W. Opfer, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MARCH 29, 1948

From the Journal of the Senate, pp. 1896-1897

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
March 29, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I return to you Senate Bill No. 215, entitled:

"AN ACT

"To amend Section 6780, Article 3, Chapter 38, Revised Statutes of Missouri, 1939, relating to a special tax bill against property assessed for improvement in cities

of the second class, by inserting in Line 34 after the word 'charged' two new sentences reading as follows: 'Provided, that before any suit hereafter may be brought to enforce the lien of any special tax bill which has been assigned, written notice shall be filed with the city clerk setting forth a specific description of the special tax bill, a legal description of the property it covers, and the name and address of the assignee or holders of said tax bill at the time such suit is brought. Failure to file such notice shall prevent the lien of such special tax bill from being extended by reason of the filing of such suit.' "

On March 29, 1948, I approved said Senate Bill No. 215.

I call attention to the following: Senate Bill No. 215 amends Section 6780, Article 3, Chapter 38, Revised Statutes of Missouri, 1939, by inserting two new sentences. The words "justice of the peace" appear in lines 83, 84, 98, 101, 114, and 117, of said bill and should have been changed to read "magistrate court" to comply with the provisions of the Constitution.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE HOUSE OF REPRESENTATIVES

MARCH 29, 1948

From the Journal of the House of Representatives, pp. 1938-1939

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

March 29, 1948.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return to you Senate Committee Substitute for House Bill No. 126, entitled:

"AN ACT

"To repeal Sections 10351, 10352, 10353, 10354, 10355, 10356 and 10357 of Article 2, Chapter 72 of the

Revised Statutes of Missouri, 1939, relating to the education of children who are blind, deaf, crippled or otherwise handicapped, and to enact in lieu thereof six new sections relating to the same subject matter to be known as Sections 10351, 10352, 10353, 10354, 10355 and 10356."

On March 29, 1948, I approved said Senate Committee Substitute for House Bill No. 126.

I call attention to the fact that Section 10353 of Article 2, Chapter 72 of the Revised Statutes of Missouri, 1939, was repealed and reenacted by Senate Bill No. 100 of the Sixty-fourth General Assembly and is found in Laws of Missouri, 1947, Volume I, page 499. Said Section 10353 of Article 2, Chapter 72 of the Revised Statutes of Missouri, 1939, is again repealed and reenacted by Senate Committee Substitute for House Bill No. 126 without reference being made to its repeal and reenactment by Senate Bill No. 100.

Section 10357, Article 2, Chapter 72 of the Revised Statutes of Missouri, 1939, was repealed and reenacted by Senate Bill No. 100 of the Sixty-fourth General Assembly and is found in Laws of Missouri, 1947, Volume I, at page 500. Senate Committee Substitute for House Bill No. 126 repeals Section 10357 of Article 2, Chapter 72 of the Revised Statutes of Missouri, 1939, but makes no reference to its having been repealed and reenacted by Senate Bill No. 100 found in Laws of Missouri, 1947, Volume I, at page 500. However, the substance contained in Section 10357, Laws of Missouri, 1947, Volume I, page 500, is found in Section 10356 of Senate Commitee Substitute for House Bill No. 126.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

APRIL 2, 1948

From the Journal of the Senate, p. 2024

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 2, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

C. Rouss Gallop, Mexico, Missouri, as a member of the Cancer Commission for the State of Missouri, Division of Health of the Department of Public Health and Welfare, for a term ending at the pleasure of the Governor; vice, Doctor Major G. Seelig, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

APRIL 5, 1948

From the Journal of the Senate, pp. 2066-2067

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 5, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I return to you Senate Bill No. 219, entitled:

"AN ACT

"To amend Section 3745 of an act of the 63rd General Assembly, known as Senate Bill No. 248, Laws of

Missouri, 1945, Pages 1996 to 2004, approved on July 1, 1946, relating to the duties of employees of the division of Workmen's Compensation of the department of labor and industrial relations and to the duties of the industrial commission, by striking out all of line 9 following the word 'party.', and by striking out all of lines 10, 11, 12, 13, 14 and 15 of said section."

On April 5, 1948, I approved said Senate Bill No. 219.

I have approved this bill. However, I call attention to the fact that the line numbers are not correct if Section 3745, Laws of Missouri, 1945, found on pages 2000 and 2001 is followed.

The word "party," referred to in the title of Senate Bill No. 219, is not in line "9" of Section 3745 but is in line "8" and there are no lines "14" and "15" in said Section 3745. The author of Senate Bill No. 219 evidently used the Truly Agreed To and Finally Passed Senate Bill No. 248 when drafting Senate Bill No. 219 as the line numbers do correspond with the line numbers in said Senate Bill No. 248 of the Sixty-third General Assembly.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

APRIL 5, 1948

From the Journal of the House of Representatives, p. 2125

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 5, 1948.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return to you House Bill No. 416, entitled:

"AN ACT

"To amend Article 5, Chapter 72, of the Revised Statutes of Missouri, 1939, relating to laws applicable to city, town and consolidated schools, by inserting immediately following Section 10484 of said Article 5 one new section relating to the authority of boards of city, town or village school districts to transport pupils of annexed districts to the proper school, to be known as Section 10484a."

On April 5, 1948, I approved said House Bill No. 416.

Section 10484, Revised Statutes of Missouri, 1939, referred to in House Bill No. 416 was repealed and reenacted by the Sixty-fourth General Assembly, and is found in Laws of Missouri, 1947, Volume I, page 507.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

APRIL 7, 1948

From the Journal of the Senate, pp. 2067-2068

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 7, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I return to you Senate Bill No. 280, entitled:

"AN ACT

"To amend Section 11046 of an Act of the 64th General Assembly known as House Bill No. 77, approved May 19, 1947, relating to the maximum rates of taxation that may be levied by county courts, by adding at the end of the section the following: 'County courts are

hereby authorized to call and conduct a special election under the laws governing such election for the purpose of increasing maximum tax rates herein specified, or to submit a proposition for the increase of such rates at any regular election, and shall submit any such proposition at either a special or regular election when petitioned therefor by not less than ten per cent of the qualified voters of the county as determined by the total vote cast for Governor in the last preceding general election for Governor, and the proposition shall be as follows on the ballot: "For a levy for county purposes of.....on the hundred dollars valuation" and "Against a levy for county purposes of.....on the hundred dollars valuation." Special elections called under the provisions of this section shall be limited to one election for each twelve month period. The County Court shall publish a notice of said election in some newspaper published in said county in the following manner: If a daily paper, for seven successive days, and if a weekly newspaper, in two issues thereof, and the election shall be held not less than five, nor more than ten days, from the last insertion thereof. Provided, that in all counties having a Board of Election Commissioners such election when called by the County Court shall be conducted by the Board of Election Commissioners as provided by law', with an emergency clause."

On April 7, 1948, I approved said Senate Bill No. 280.

Section 11046 of House Bill No. 77 of the Sixty-fourth General Assembly referred to in Senate Bill No. 280 is found in Laws of Missouri, 1947, Volume 1, page 539.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

APRIL 7, 1948

From the Journal of the Senate, pp. 2068-2069

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 7, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I return to you Senate Bill No. 287, entitled:

"AN ACT

"To repeal Section 7658, an Act of the 64th General Assembly, relating to appointment of police officers and police officials, their salaries, preference of ex-servicemen and to the assignment of ranks and the creation of a traffic squad in cities which now have or may hereafter have three hundred thousand and less than five hundred thousand inhabitants, and to enact in lieu thereof a new section to be known as Section 7658, relating to the same subject."

On April 7, 1948, I approved said Senate Bill No. 287.

The title and Section 1 of Senate Bill No. 287 are very indefinite. The title and Section 1 of Senate Bill No. 287 refer to Section 7658, an act of the 64th General Assembly, etc. No reference is made as to where the act of the 64th General Assembly may be found, whether or not it is a House Bill or a Senate Bill or the number of the bill. However, there is a Section 7658 relating to appointment of police officers and police officials, their salaries, etc., in Laws of Missouri, 1947, Volume 1, page 407, which evidently is the "Act of the 64th General Assembly" referred to in the title and Section 1 of Senate Bill No. 287.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

APRIL 7, 1948

From the Journal of the Senate, pp. 2069-2070

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 7, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I return to you Senate Bill No. 316, entitled:

"AN ACT

"To amend Section 9451 of an act of the Sixty-third General Assembly, approved April 24, 1945, found in Laws of Missouri, 1945, page 1351, relating to pensions to blind persons by striking out the words and figures 'nine hundred ($900.00) dollars' in lines 12 and 13 and line 17 and inserting in lieu thereof the words and figures 'twelve hundred ($1,200.00) dollars'."

On April 7, 1948, I approved said Senate Bill No. 316.

I call attention to the fact that the word "commission" in line 23, page 2, Section 9451 should have been changed to Division of Welfare of the Department of Public Health and Welfare.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

APRIL 7, 1948

From the Journal of the House of Representatives, p. 2127

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 7, 1948.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return to you House Bill No. 79, entitled:

"AN ACT

"To amend an Act of the 63rd General Assembly known as House Bill No. 652, approved March 29, 1946, relating to the state sales tax, by adding a new section providing for the establishment of a Sales Tax Token Revolving Fund to follow Section 11413, to be known as Section 11413a."

On April 7, 1948, I approved said House Bill No. 79. An act of the 63rd General Assembly known as House Bill No. 652, approved March 29, 1946, referred to in House Bill No. 79, is found in Laws of Missouri, 1945, page 1865.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

APRIL 7, 1948

From the Journal of the House of Representatives, pp. 2127-2128

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 7, 1948.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return to you House Bill No. 165, entitled:

"AN ACT

"To repeal Section 1 of the Act of the Sixty-third General Assembly known as House Bill No. 975, approved July 6, 1946, relating to taxation of manufacturers, and to enact in lieu thereof a new section, relating to the same subject matter, to be known as Section 1."

On April 7, 1948, I approved said House Bill No. 165.

Section 1 of an act of the Sixty-third General Assembly known as House Bill No. 975, approved July 6, 1946, referred to in House Bill No. 165, is found in Laws of Missouri, 1945, page 1954.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE HOUSE OF REPRESENTATIVES

APRIL 7, 1948

From the Journal of the House of Representatives, p. 2128

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

April 7, 1948.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return to you House Bill No. 167, entitled:

"AN ACT

"To repeal Sections 11049, 11053 and 11054 of an Act of the 63rd General Assembly known as House Bill No. 530, approved November 30, 1945, relating to making of the tax books, and to enact in lieu thereof three new sections, relating to the same subject, to be known as Sections 11049, 11053 and 11054."

On April 7, 1948, I approved said House Bill No. 167.

Sections 11049, 11053, and 11054 of an act of the 63rd General Assembly known as House Bill No. 530, approved

November 30, 1945, referred to in House Bill No. 167, are found in Laws of Missouri, 1945, pages 1818 and 1819.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

APRIL 13, 1948

From the Journal of the House of Representatives, p. 2129

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 13, 1948.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return to you House Bill No. 78, entitled:

"AN ACT

"To repeal Section 83 of an Act of the 63rd General Assembly known as Senate Bill No. 297, approved April 26, 1946, relating to the procurement and handling of paper for state printing by the state purchasing agent, and to enact in lieu thereof one new section, relating to the same subject and providing a revolving fund for the use of the state purchasing agent in buying paper for the state, to be known as Section 83."

On April 13, 1948, I approved said House Bill No. 78.

Section 83 of an act of the 63rd General Assembly known as Senate Committee Substitute for Senate Bill No. 297, approved April 26, 1946, is found in Laws of Missouri, 1945, page 1455.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE HOUSE OF REPRESENTATIVES

APRIL 13, 1948

From the Journal of the House of Representatives, pp. 2129-2130

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 13, 1948.

To the House of Representatives of the 64th General Assembly of the State of Missouri:

I return to you House Bill No. 258, entitled:

"AN ACT

"To repeal Sections 11411 and 11416 contained in House Bill No. 274 enacted by the 64th General Assembly and Sections 11412, 11417 and 11420 contained in House Bill No. 652 enacted by the 63rd General Assembly, relating to sales tax and known as the Sales Tax Act and to enact five new sections in lieu thereof relating to the same subject matter to be known as Sections 11411, 11412, 11416, 11417 and 11420, respectively, and to transfer the collection of sales tax on motor vehicles from vendors thereof to the Directors of Revenue and providing procedures thereof, to levy an additional tax for the use of the highways of the state by motor vehicles, and to provide exemptions therefrom."

On April 13, 1948, I approved said House Bill No. 258.

Sections 11411 and 11416 contained in House Bill No. 274 enacted by the 64th General Assembly are found in Laws of Missouri, 1947, pages 553 and 555; Sections 11412, 11417, and 11420 contained in House Bill No. 652 enacted by the 63rd General Assembly are found in Laws of Missouri, 1945, pages 1870 and 1872.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

APRIL 29, 1948

From the Journal of the Senate, p. 2101

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
April 29, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

John H. Flanigan, Jr., Republican, Carthage, Missouri, as a member of the State Board of Education, for a term ending July 1, 1951, and until his successor is appointed and qualified; vice, John H. Flanigan, Jr., resigned and reappointed.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

MAY 6, 1948

From the Journal of the Senate, pp. 2102-2103

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 6, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith Senate Bill No. 132, entitled:

"AN ACT

"To repeal an act of the 63rd General Assembly repealing and reenacting Section 13404 of Article 2, Chapter 99, Revised Statutes of Missouri, 1939, relating to

the fees of the judges and clerks of the probate courts, the disposition thereof and the duties of such judges and clerks with respect thereto, known as Senate Bill No. 200, approved by the Governor on July 6, 1946, and to enact in lieu thereof a new section relating to the same subject matter to be known as Section 13404."

On May 6, 1948, I approved said Senate Bill No. 132.

The act of the 63rd General Assembly, referred to in the title and in Section 1 of Senate Bill No. 132, is found in Laws of Missouri, 1945, page 1516.

The reference in Senate Bill No. 132 to "Senate Bill No. 200," in line 7 of the title of the printed bill, should be "Senate Committee Substitute for Senate Bill No. 200." This same mistake appears in line 6 of Section 1.

The message returning Senate Committee Substitute for Senate Bill No. 200 to the Senate is found in the Senate Journal of July 8, 1946, page 4115, printed bound Volume III of the Sixty-third General Assembly. The following notation was included in said message:

"However, I call attention to the words 'state treasurer' on page 4, line 80 of Section 13404. I am of the opinion that this should be 'director of revenue'."

Said mistake appears in Senate Bill No. 132 of the Sixty-fourth General Assembly, Section 13404, page 4, line 82. The words "state treasurer" should have been changed to "director of revenue."

A mistake also was made in compiling the Laws of 1945, page 1519. In line 4 on page 1519, the words "Director of Revenue" were inserted in brackets after the word "treasurer" and before the word "in." This insertion in brackets should have been made on page 1518, line 37, after the word "treasurer" and before the word "or."

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

MAY 6, 1948

From the Journal of the Senate, pp. 2104-2105

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 6, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith Senate Bill No. 247, entitled:

"AN ACT

"To amend an act of the 63rd General Assembly known as House Bill No. 775, approved March 7, 1946, relating to the compensation of the circuit clerk and recorder in counties of the Third Class wherein the two offices shall have been combined, for deputies and clerks in such office and the compensation therefor, by inserting immediately following Section 6 of said House Bill No. 775 one new section providing additional duties for such circuit clerk and recorder as recorder of the county in the listing of discharged veterans by recorders and the manner and conditions of such listing and prescribing a fee for such services to be known as Section 6a."

On May 6, 1948, I approved said Senate Bill No. 247.

The act of the 63rd General Assembly known as House Bill No. 775, approved March 7, 1946, referred to in Senate Bill No. 247, is found in Laws of Missouri, 1945, page 1532.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

MAY 6, 1948

From the Journal of the Senate, p. 2107

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 6, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith Senate Bill No. 295, entitled:

"AN ACT

"To amend Section 5 of an act of the 63rd General Assembly entitled 'An Act to provide for and fix the salaries of judges of probate courts in counties now or hereafter having more than 30,000 inhabitants, and to provide for the appointment, discharge and pay of clerks of probate courts in such counties, and to provide for the payment of fees of probate courts in such counties to the county and to provide for payment of excess fees into the school fund of the county, and to provide for effective date.', approved July 6, 1946, found at Laws of Missouri, 1945, page 1514, by inserting in line 19 of said section after the figure '$4800.00;' and before the word 'and' the following: 'except that in counties where probate courts may be held in more than one place in any county, the county court may, at the cost of the county, provide such additional clerks, deputy clerks or other employees as may be required by the Probate Court and may provide funds for payment of salaries or parts of salaries of such officers or employees in addition to the amounts fixed by this section;'."

On May 6, 1948, I approved said Senate Bill No. 295.

I believe that the figure "19" in line 12 of the title should be "18." This same mistake appears in line 11, Section 1, page 2.

Respectfully submitted,

PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

MAY 10, 1948

From the Journal of the House of Representatives, p. 2147

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 10, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 32, entitled:

"AN ACT

"To repeal Sections 1 and 2 of an Act of the 63rd General Assembly, approved July 23, 1946, known and designated as Committee Substitute for House Bill 214, such sections relating respectively to the creation of a County Aid Road Fund for specified purposes and to the formulation of plans by the State Highway Commission and a committee of five (5) county judges selected by the Governor, and to enact two new sections in lieu thereof to be known and designated as Sections 1 and 2, relating to the same subjects and providing for the payment of per diem and expenses of such committee of five (5) county judges, and general administrative expenses."

On May 10, 1948, I approved said House Bill No. 32.

Sections 1 and 2 of an act of the 63rd General Assembly, approved July 23, 1946, known and designated as Committee Substitute for House Bill No. 214, referred to in House Bill No. 32, are found in Laws of Missouri, 1945, page 1472.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

MAY 10, 1948

From the Journal of the House of Representatives, pp. 2148-2149

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 10, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith House Bill No. 390, entitled:

"AN ACT

"To repeal Sections 12137, 12138 and 12139 of Article 23, Chapter 76, Revised Statutes of Missouri, 1939, relating to duties of clerks, to delivery of ballot to voters and how they are to be marked, and to duties of judges, in elections in cities of not less than 300,000 nor more than 700,000 inhabitants, and to enact in lieu thereof three new sections to be known as Section 12137, 12138 and 12139, relating to the same subject and providing for identification of voters, certificates of identification, and use of the latter as poll lists in lieu of poll books."

On May 10, 1948, I approved said House Bill No. 390.

At the top of page 3, of the printed bill, line 17, are the words and figures "GENERAL ELECTION NOVEMBER 1946." As this is part of a suggested form, I am of the opinion that the figures "1946" should not have been used but that the form should have been "19____."

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

MAY 11, 1948

From the Journal of the Senate, p. 2112

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 11, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith Senate Bill No. 152, entitled:

"AN ACT

"To repeal Sections 5628 and 5630, Article 3, Chapter 35 of the Revised Statutes of Missouri, 1939, relating to the powers of the public service commission in respect to common carriers, railroads and street railroads, and to enact in lieu thereof three (3) new sections relating to the same subject matter to be known as Sections 5628 and 5630."

On May 11, 1948, I approved said Senate Bill No. 152.

I call attention to the fact that in line 6 of the title and in line 5 of Section 1, the word and figure "three (3)" appear, but as one section was stricken out of the bill on perfection in the Senate, the word and figure "three (3)" should have been changed to "two (2)." However, I do not think this fatal to the validity of the bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

MAY 19, 1948

From the Journal of the Senate, p. 2102

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 19, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Russell L. Dearmont, Democrat, 4954 Lindell, St. Louis, Missouri, as a member of the Board of Regents for the Southeast Missouri State College, Cape Girardeau, Missouri, State Department of Education, for a term ending January 1, 1951, and until his successor is duly appointed and qualified; vice, Orville Zimmerman, deceased.

C. D. Matthews, 3rd, Republican, Sikeston, Missouri, as a member of the Board of Regents for the Southeast Missouri State College, Cape Girardeau, Missouri, State Department of Education, for a term ending January 1, 1953, and until his successor is duly appointed and qualified; vice, R. E. Bailey, deceased.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

MAY 21, 1948

From the Journal of the House of Representatives, pp. 2155-2156

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 21, 1948.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Bill No. 449, entitled:

"AN ACT

"To appropriate money for the payment of wages, salaries, per diem of the officers and employees; for the original purchase of property; for the repair and replacement of property; for the operating and general expenses of the Department of Revenue and the several divisions thereof; for the payment of the state's part in assessing and collecting revenue, for the period beginning July 1, 1948 and ending June 30, 1949."

On May 21, 1948, I approved said House Bill No. 449.

On page 5, Section 3.071, lines 5 and 6, are the words and figures "for the period beginning June 1, 1948 and ending June 30, 1949." I believe this should be "for the period beginning July 1, 1948 and ending June 30, 1949."

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

MAY 21, 1948

From the Journal of the House of Representatives, pp. 2157-2158

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 21, 1948.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Bill No. 454, entitled:

"AN ACT

"To appropriate money for the pay of salaries of members of the 64th General Assemblies and contingent expenses of the 64th and 65th General Assemblies; including salaries of elective and appointive officers and for the salaries and expenses of members and employees and clerical hire of the committee on Legislative Research;

and for the salaries of the secretaries and clerks and other necessary expenses of the Missouri Commission on Interstate Cooperation for the period beginning July 1, 1948 and ending June 30, 1949."

On May 21, 1948, I approved said House Bill No. 454.

Section 8.010 of House Bill No. 454 appropriates out of the State Treasury $282,000 to pay the salaries of the members of the 64th and 65th General Assemblies for the period July 1, 1948, to June 30, 1949. However, in the title, lines two and three, it reads as follows: "To appropriate money for the pay of salaries of members of the 64th General Assemblies." The title should have included the 65th General Assembly in line 3.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SECRETARY OF STATE

MAY 26, 1948

From the Journal of the Senate, pp. 2123-2124

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 26, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith Senate Bill No. 272, entitled:

"AN ACT

"To repeal Sections 9683a and 9683b of an act of the 63rd General Assembly known as House Bill 832 approved March 7, 1946, relating to the salaries of probation officers, deputies, clerks and stenographers in counties of class one and to enact three new sections in lieu thereof to be known as Sections 9683a, 9683b and 9683c, relating to the same subject."

On May 26, 1948, I approved said Senate Bill No. 272.

Sections 9683a and 9683b of an act of the 63rd General Assembly known as House Bill 832 approved March 7, 1946, are found in Laws of Missouri, 1945, page 631.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

MAY 26, 1948

From the Journal of the Senate, p. 2124

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
May 26, 1948.

To the Secretary of State of the State of Missouri:

Sir: I hand you herewith Senate Bill No. 298, entitled:

"AN ACT

"To repeal Sections Two, Three, Four and Six of an Act of the 63rd General Assembly designated as House Bill 962, as the same appears on Page 1311 of the Laws of Missouri, 1945, relating to the appointment and salaries of deputy collectors and assistants in the office of the collector of revenue in constitutional charter cities not within a county and the fees to be collected by the collector of revenue and their use, and to enact in lieu thereof four new sections relating to the same subject matter."

On May 26, 1948, I approved said Senate Bill No. 298.

It is my opinion that the word "each" should have been inserted in line 22, page 3, Section 3, after the word "shall" and before the word "receive."

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

MAY 28, 1948

From the Journal of the House of Representatives, pp. 2164-2165

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

May 28, 1948.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith Senate Committee Substitute for House Bill No. 475, entitled:

"AN ACT

"To enable certain cities to obtain additional revenue by authorizing any constitutional charter city in this state which now has or may hereafter acquire a population in excess of 700,000 inhabitants to levy and collect by ordinance for general revenue purposes an earnings tax on salaries, wages, commissions and other compensation earned by its residents; on salaries, wages, commissions and other compensation earned by non-residents of the city for work done or services performed or rendered in the city; on the net profits of associations, businesses or other activities conducted by residents; on the net profits of associations, businesses or other activities conducted in the city by non-residents; and on the net profits earned by all corporations as the result of work done or services performed or rendered and business or other activities conducted in the city; providing that the rate of tax shall not exceed one-half of one-percentum of any earnings or profits subject to the tax; prescribing the method for ascertaining the taxable net profits of any non-resident individual, of any association or business conducted by non-residents, or of any corporation, in any case in which the work done, services performed or rendered, and business or other activities conducted are done, performed, rendered or conducted both within and without the city;

defining net profits subject to tax; permitting any employer required to collect and remit the tax of employees to retain from the remittance the cost of collection, provided no more than ten per cent of the amount collected be retained in any event; defining by reference to the state income tax law certain types of income not subject to tax under this Act; prohibiting any requirement that a taxpayer file copies of state and federal income tax returns in aid of the administration of any tax ordinance enacted pursuant to this Act; and declaring that the invalidity of any portion of this Act, except the whole of Section 1, shall not affect the validity of the remainder; and limiting the duration of the provisions of this Act."

On May 28, 1948, I approved said Senate Committee Substitute for House Bill No. 475.

I call attention to the fact that on page 2 of the title, in line 9, it is provided that any employer required to collect and remit the tax of employees may retain from the remittance the cost of collection, provided no more than ten per cent of the amount collected be retained in any event; while in Section 4, page 3, line 4, it is provided that the employer shall be entitled to retain three per cent of the total amount collected. The substitute for House Bill No. 475, as originally written, provided for ten per cent as stated in the title but this was reduced to three per cent by an amendment on perfection in the Senate, as shown in Section 4, line 4, of the bill. However, the title was not corrected to correspond with the amendment. As the amendment was less than the amount provided in the title, I do not believe that it affects the validity of the bill.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SECRETARY OF STATE

JUNE 2, 1948

From the Journal of the House of Representatives, pp. 2168-2169

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 2, 1948.

To the Secretary of State of the State of Missouri:

Sir:

I hand you herewith House Bill No. 466, entitled:

"AN ACT

"To repeal Section 9422, Article 2, Chapter 52, Revised Statutes of Missouri, 1939, as amended by an act of the 61st General Assembly, approved June 20, 1941, found at Laws of Missouri, 1941, page 566; to amend Section 9423, Article 2, Chapter 52, Revised Statutes of Missouri, 1939, as amended by an act of the 61st General Assembly, approved June 20, 1941, found at Laws of Missouri, 1941, page 566, and as further amended by an act of the 62nd General Assembly, approved July 15, 1943, found at Laws of Missouri, 1943, page 917, by striking out all of paragraph (c) in lines 14 to 24 thereof and by inserting in lieu thereof a new paragraph (c) defining the term 'Benefit year'; to repeal Sections 9426 and 9432 of an act of the 63rd General Assembly, approved May 3, 1946, found at Laws of Missouri, 1945, page 1731; to repeal Sections 9427 and 9429 of an act of the 63rd General Assembly approved January 30, 1946, found at Laws of Missouri, 1945, page 1744; to repeal Sections 9430 of Article 2, Chapter 52, of the Revised Statutes of Missouri, 1939, as amended by an act of the 61st General Assembly, approved June 20, 1941, found at Laws of Missouri, 1941, and as further amended by an act of the 62nd General Assembly, found at Laws of Missouri, 1943, page 566, and as further amended by an act of the 64th General Assembly, approved July 7, 1947, found at Laws of Missouri, 1947, page 523; and also to repeal Sections

9431 and 9436 of Article 2, Chapter 52 of the Revised Statutes of Missouri, 1939, as amended by an act of the 61st General Assembly, approved June 20, 1941, found at Laws of Missouri, 1941, page 566, and as further amended by an act of the 62nd General Assembly, approved July 15, 1943, found at Laws of Missouri, 1943, page 917; all of said sections being relating to the unemployment compensation system of the State of Missouri and to the collection of contributions and payment of benefits under the unemployment compensation law, and to enact in lieu of said repealed sections eight new sections relating to the same subject matter, to be known as Sections 9422, 9426, 9427, 9429, 9430, 9431, 9432, and 9436."

On July 2, 1948, I approved said House Bill No. 466.

I wish to call attention to the following errors which appear in this bill:

In the title to House Bill No. 466, on page 2, line 7, the figures "566" should be "933." This same error appears on page 15, Section 3, line 11.

On page 11, line 258, the word "of" between the word "payment" and the word "remuneration" was inserted in place of the word "or"; on page 13, line 321, the word "unit" between the word "employing" and the word "for" was inserted in place of the word "suit." It should be borne in mind that House Bill No. 466 amends Section 9423, Revised Statutes of Missouri, 1939, as amended, and that no words can be inserted or changed in said section except those specifically stated in the title or in the enacting section.

> ". . . No act shall be amended by providing that words be stricken out or inserted, but the words to be stricken out, or the words to be inserted, or the words to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended." (Section 28, Article III, Constitution.)

The title of this bill (House Bill No. 466) defined the term "benefit year" and if this can be done without setting forth the definition of "benefit year" in full, which I seriously doubt,

certainly no other words now appearing in said section in Laws of Missouri, 1943, page 917, can be changed or inserted.

On page 36, line 25, Section 9430, the article "a" after the word "this" and before the word "subsection," is an error; it does not appear in Laws of Missouri, 1947, Volume I, page 523, the present section.

On page 39, lines 92 and 95, Section 9431, the word "Subsection" before the figures "(2)" and "(3)" should have been deleted. These paragraphs were inserted in Section 9431 by House Committee Amendment No. 12 on perfection of the bill in the House. I believe this is the only instance in the Unemployment Compensation Law where a paragraph is shown as a subsection and is a deviation from the present form.

On page 48, line 61, Section 9436, a comma "," and the words "such assessment" were omitted after the word "reassessment," in lines 60 and 61. I believe the omission of the words "such assessment" in line 61 was an error but probably will not complicate an interpretation of said section.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JUNE 7, 1948

From the Journal of the Senate, p. 2131

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
June 7, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Bryan E. Wolfenbarger, Wheaton, Missouri, as a member of the State Board of Barber Examiners, Division of Registration and Examination, State Department of Education, for

a term ending July 6, 1949, and until his successor is duly appointed and qualified; vice, J. E. Johnston, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 19, 1948

From the Journal of the Senate, pp. 2131-2132

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 19, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Roger S. Miller, 660 Romany Road, Kansas City, Missouri, as a member of the Board of Police Commissioners for Kansas City, Missouri, for a term ending July 8, 1952, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 19, 1948

From the Journal of the Senate, p. 2132

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 19, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Robert A. Huelsick, 1700 Boatmen's Bank Building, St. Louis, Missouri, as a member of the Missouri State Board of Accountancy, Division of Registration and Examination, State Department of Education, for a term ending five years from the time of his appointment and qualification and until his successor is duly appointed and qualified; vice, J. J. Lang, term expired.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 19, 1948

From the Journal of the Senate, p. 2132

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 19, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor James M. Hern, Republican, Columbia, Missouri, as a member of the State Board of Chiropody, Division of Registration and Examination, State Department of Education, for a term ending July 1, 1952, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 19, 1948

From the Journal of the Senate, p. 2133

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 19, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

J. E. Mitchell, Democrat, 39 Lewis Place, St. Louis, Missouri, as a member of the State Board of Education, for a term ending July 1, 1956, and until his successor is appointed and qualified; vice, reappointment.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JULY 19, 1948

From the Journal of the Senate, p. 2133

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 19, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Sister M. Geraldine Kulleck, 6420 Clayton Avenue, St. Louis, Missouri, as a member of the Board of Examiners and Registrars of Nurses, Division of Registration and Examina-

tion, State Department of Education, for a term ending July 6, 1951, and until her successor shall be appointed and qualified; vice, reappointment.

Doctor William C. Weinsberg, 3451 Halliday Avenue, St. Louis, Missouri, as a member of the Board of Examiners and Registrars of Nurses, Division of Registration and Examination, State Department of Education, for a term ending July 6, 1951, and until his successor shall be appointed and qualified; vice, reappointment.

Miss Grace Frauens, 5702 Eastwood, Kansas City, Missouri, as a member of the Board of Examiners and Registrars of Nurses, Division of Registration and Examination, State Department of Education, for a term ending July 6, 1951, and until her successor shall be appointed and qualified; vice, reappointment.

Miss Ophelia Mae Perkins, Springfield, Missouri, as a member of the Board of Examiners and Registrars of Nurses, Division of Registration and Examination, State Department of Education, for a term ending July 6, 1951, and until her successor shall be appointed and qualified; vice, reappointment

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

JULY 19, 1948

From the Journal of the Senate, p. 2134

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 19, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Doctor W. O. Finney, Democrat, Chaffee, Missouri, as a member of the State Board of Medical Examiners, Division of Registration and Examination, State Department of Education, for a term ending July 1, 1952, and until his successor is appointed and qualified; vice, reappointment.

Doctor Paul A. Knepper, Republican, 2002 Ashland Avenue, St. Joseph, Missouri, as a member of the State Board of Medical Examiners, Division of Registration and Examination, State Department of Education, for a term ending July 1, 1952, and until his successor is appointed and qualified; vice, reappointment.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JULY 19, 1948

From the Journal of the Senate, p. 2134

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,

July 19, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

J. S. Williamson, Democrat, Route 4, Columbia, Missouri, as a trustee of the State Board of Training Schools, Division of Educational Institutions, Department of Corrections, for a term ending July 1, 1954, and until his successor is appointed and qualified; vice, reappointment.

Respectfully submitted,

PHIL M. DONNELLY,

Governor.

TO THE SENATE

JULY 19, 1948

From the Journal of the Senate, p. 2135

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
July 19, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Ronnie F. Greenwell, Hayti, Missouri, as a member of the State Soil Districts Commission, State Department of Education, for a term ending July 6, 1951, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 4, 1948

From the Journal of the Senate, p. 2135

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 4, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Paul G. Steinbicker, 1304 Boland Place, St. Louis County, Missouri, as a member of the Personnel Advisory Board, Personnel Division of the Department of Business and Adminis-

tration, for a term ending July 31, 1954, and until his successor is appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 23, 1948

From the Journal of the Senate, pp. 2135-2136

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 23, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Murray Q. Williams, Warrensburg, Missouri, as a member of the Board of Pharmacy, Division of Registration and Examination, State Department of Education, for a term ending August 16, 1953, and until his successor is duly appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 30, 1948

From the Journal of the Senate, p. 2136

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 30, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

V. J. O'Flaherty, Jr., 909 Baltimore Avenue, Kansas City, Missouri, as a member of the Missouri Real Estate Commission, Division of Registration and Examination, State Department of Education, for a term ending July 6, 1951, and until his successor shall be appointed and qualified; vice, reappointment.

Ray R. Dolan, 6401 Manchester Avenue, St. Louis, Missouri, as a member of the Missouri Real Estate Commission, Division of Registration and Examination, State Department of Education, for a term ending July 6, 1951, and until his successor shall be appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

AUGUST 30, 1948

From the Journal of the Senate, p. 2136

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
August 30, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

J. Raymond Lucy, Parma, Missouri, as a member of the State Highway Commission for a term ending March 29, 1951, and until his successor is appointed and qualified; vice, Paul C. Jones, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

SEPTEMBER 23, 1948

From the Journal of the Senate, p. 2137

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
September 23, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointments to office:

Dr. Everett D. Sugarbaker, Jefferson City, Missouri, as a member of the Cancer Commission for the State of Missouri, Division of Health of the Department of Public Health and Welfare, for a term ending at the pleasure of the Governor; vice, Frank T. Hodgdon, resigned.

Dr. William Leighton, 3720 Washington Boulevard, St. Louis, Missouri, as a member of the Cancer Commission for the State of Missouri, Division of Health of the Department of Public Health and Welfare, for a term ending at the pleasure of the Governor; vice, Dr. Clifton Smith, resigned.

Mr. Cres Hewitt, Shelbyville, Missouri, as a member of the Cancer Commission for the State of Missouri, Division of Health of the Department of Public Health and Welfare, for a term ending at the pleasure of the Governor; vice, W. Ed. Jameson, resigned.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 14, 1948

From the Journal of the Senate, p. 2137

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 14, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Rolla E. Stephens, Joplin, Missouri, as a member of the Missouri Real Estate Commission, Division of Registration and Examination, State Department of Education, for a term ending October 13, 1951, and until his successor shall be appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

TO THE SENATE

OCTOBER 18, 1948

From the Journal of the Senate, p. 2138

EXECUTIVE OFFICE, STATE OF MISSOURI, JEFFERSON CITY,
October 18, 1948.

To the Senate of the 64th General Assembly of the State of Missouri:

I have the honor to transmit to you herewith for your consent and approval the following appointment to office:

Doctor R. R. Rhoades, Jefferson City, Missouri, as a member of the Missouri Dental Board, Division of Registration and Examination, State Department of Education, for a term ending October 16, 1953, and until his successor shall be appointed and qualified; vice, reappointment.

Respectfully submitted,
PHIL M. DONNELLY,
Governor.

MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION

JANUARY 23, 1945

From the Register of Civil Proceedings, 1944-1947, p. 118

The Governor issued a Writ of Election, directing that an election be held on Tuesday, February 27, 1945, for the purpose of electing a State Senator for the Ninth Senatorial District to supply a vacancy caused by the resignation of Honorable Frank P. Briggs.

JANUARY 29, 1945

From the Register of Civil Proceedings, 1944-1947, p. 122

The Governor issued a Proclamation designating February 3, 4 and 5, 1945, the Fourth Anniversary of Incorporation of United Service Organization.

FEBRUARY 1, 1945

From the Register of Civil Proceedings, 1944-1947, p. 125

The Governor issued a Proclamation for vigorous recruiting drive to enlist women for Women's Army Corps Medical Units for service at Army's Hospital.

MARCH 7, 1945

From the Register of Civil Proceedings, 1944-1947, p. 150

The Governor proclaimed March 9, 1945, the Third Anniversary of the Army Service Forces.

MARCH 8, 1945

From the Register of Civil Proceedings, 1944-1947, p. 151

The Governor issued a Proclamation proclaiming Wildlife Restoration Week, March 18-24, 1945.

MARCH 12, 1945

From the Register of Civil Proceedings, 1944-1947, p. 155

The Governor issued a Writ of Election for an election to be held Tuesday, March 27, 1945, in Platte County, Mo., to fill a vacancy in the House of Representatives caused by the death of Honorable J. W. Farley.

MARCH 23, 1945

From the Register of Civil Proceedings, 1944-1947, p. 255

The Governor issued a proclamation declaring that proposed New Constitution was adopted by a majority of qualified voters of State of Missouri in a special election held on Tuesday, February 27, 1945.

APRIL 4, 1945

From the Register of Civil Proceedings, 1944-1947, p. 172

The Governor issued a Proclamation designating April as Cancer Control Month.

APRIL 6, 1945

From the Register of Civil Proceedings, 1944-1947, p. 174

The Governor proclaimed the month of April, 1945, as United Clothing Collectors Month in Missouri.

APRIL 12, 1945

From the Register of Civil Proceedings, 1944-1947, p. 178

The Governor proclaimed April 13, 1945, as "Jefferson Day" in commemoration of the homage due Thomas Jefferson, on the anniversary of his birthday.

APRIL 13, 1945

From the Register of Civil Proceedings, 1944-1947, p. 179

The Governor issued a Proclamation, in part as follows:

"Whereas, The nation and world are mourning the untimely death of our Great President, Franklin Delano Roosevelt, and

Whereas, This nation is bowed with the weight of its crushing loss, and

Whereas, It is proper that suitable observance and tributes of respect be paid to the memory and service of our beloved President; Now Therefore,

I, Phil M. Donnelly, Governor of the State of Missouri, do hereby proclaim that on Saturday, April 14, 1945, all public offices in Missouri be closed and that the Citizens of Missouri pause in a short period of silent prayer during the time at which the funeral services are being held at the White House; and

I further proclaim, that all flags flown from public installations in the State of Missouri shall be flown at half mast for a period of thirty days" (etc.).

APRIL 19, 1945

From the Register of Civil Proceedings, 1944-1947, p. 182

The Governor proclaimed Sunday April 22, 1945, as Dumbarton Oaks Day and suggests that the people pray for the success of the San Francisco Conference.

APRIL 20, 1945

From the Register of Civil Proceedings, 1944-1947, p. 183

The Governor issued a Writ of Election calling for a special election to fill vacancy for State Representative caused by the death of Theo. W. Hukriede (Warren Co.).

APRIL 21, 1945

From the Register of Civil Proceedings, 1944-1947, p. 183

The Governor proclaimed the week April 22 to 29, 1945, World Fellowship Week, urging all individuals to unite in devout prayer for victory and divine guidance of United Nations conferees and people of world as they seek to devise ways and means of attaining and maintaining world peace.

APRIL 27, 1945

From the Register of Civil Proceedings, 1944-1947, p. 187

The Governor issued a Writ of Election to the Sheriff of St. Francois Co. for the purpose of electing State Representative to fill place caused by the death of Hon. J. G. Gaebe, for Tuesday, May 15, 1945.

APRIL 28, 1945

From the Register of Civil Proceedings, 1944-1947, p. 187

The [Governor] issued a proclamation in observance of Boys and Girls Week, April 28 to May 5, 25th anniversary.

MAY 4, 1945

From the Register of Civil Proceedings, 1944-1947, p. 191

The Governor issued a proclamation declaring the week May 6 to 13 National Music Week.

MAY 7, 1945

From the Register of Civil Proceedings, 1944-1947, p. 193

The Governor issued a proclamation declaring May 7 to 12 Cadet Nurse Week.

MAY 8, 1945

From the Register of Civil Proceedings, 1944-1947, p. 194

The Governor issued a proclamation that Germany has unconditionally surrendered and the war in Europe has come to a victorious conclusion. He proclaimed that this event [is] one of the most momentous in our history and asked that we join the Nation in Thanksgiving over the victory of our gallant Armies, etc.

MAY 12, 1945

From the Register of Civil Proceedings, 1944-1947, p. 197

The Governor issued a proclamation proclaiming Sunday, May 13, Mother's Day.

MAY 19, 1945

From the Register of Civil Proceedings, 1944-1947, p. 202

The Governor proclaimed Sunday, May 20, as "I Am An American Day."

MAY 21, 1945

From the Register of Civil Proceedings, 1944-1947, p. 203

The Governor issued a proclamation proclaiming May 22 as National Maritime Day.

MAY 28, 1945

From the Register of Civil Proceedings, 1944-1947, p. 208

The Governor proclaimed the month of June, 1945, as Dairy Month as Vital to Victory.

JUNE 6, 1945

From the Register of Civil Proceedings, 1944-1947, p. 212

The Governor issued a proclamation proclaiming the week of June 10-16 as "Pledge of Allegiance to the Flag Week."

JUNE 14, 1945

From the Register of Civil Proceedings, 1944-1947, p. 217

The Governor proclaimed Sunday, June 17, 1945, as "Father's Day."

JULY 25, 1945

From the Register of Civil Proceedings, 1944-1947, p. 243

The Governor proclaimed the week of July 29, 1945, as Wave Week.

JULY 26, 1945

From the Register of Civil Proceedings, 1944-1947, p. 243

The Governor proclaimed the month of August as "Railroad Manpower Drive Month."

JULY 30, 1945

From the Register of Civil Proceedings, 1944-1947, p. 245

The Governor issued a proclamation proclaiming Wednesday, August 1, 1945, as Air Force Day.

AUGUST 7, 1945

From the Register of Civil Proceedings, 1944-1947, p. 249

The Governor issued a proclamation proclaiming the month of October, 1945, as National War Fund Month in Missouri.

AUGUST 14, 1945

From the Register of Civil Proceedings, 1944-1947, p. 254

The Governor issued a proclamation of Thanksgiving relative to the surrender of Japan and the end of World War II.

AUGUST 14, 1945

From the Register of Civil Proceedings, 1944-1947, p. 254

The Governor issued a proclamation declaring a two-day holiday, Aug. 15th and 16th, in conformity with the proclamation issued by the President because of the surrender of the Japs and the end of World War II.

AUGUST 21, 1945

From the Register of Civil Proceedings, 1944-1947, p. 257

The Governor issued a proclamation revoking the request of Gov. Forrest C. Donnell made on May 22, 1942, and Sept. 23, 1942, limiting speed on highways and urging extreme caution and observation of traffic rules.

SEPTEMBER 2, 1945

From the Register of Civil Proceedings, 1944-1947, p. 264

The Governor asked for observance of Sunday, Sept. 2, as V-J Day.

SEPTEMBER 6, 1945

From the Register of Civil Proceedings, 1944-1947, p. 266

The Governor proclaimed Saturday, Sept. 22, 1945, as American Indian Day.

SEPTEMBER 11, 1945

From the Register of Civil Proceedings, 1944-1947, p. 269

The Governor proclaimed Monday, Sept. 17, 1945, as Constitution Day in Missouri.

SEPTEMBER 13, 1945

From the Register of Civil Proceedings, 1944-1947, p. 270

The Governor proclaimed the period Sunday, September 30, 1945, through October 7, 1945, as Fifteenth Religious Education Week.

SEPTEMBER 13, 1945

From the Register of Civil Proceedings, 1944-1947, p. 270

The Governor proclaimed the month of October, 1945, as Parent-Teacher Membership Week.

SEPTEMBER 25, 1945

From the Register of Civil Proceedings, 1944-1947, p. 277

The Governor proclaimed the week beginning October 7, 1945, "Fire Prevention Week."

SEPTEMBER 28, 1945

From the Register of Civil Proceedings, 1944-1947, p. 279

The Governor proclaimed the week October 7-13, incl., 1945, Needlework Guild Week.

OCTOBER 1, 1945

From the Register of Civil Proceedings, 1944-1947, p. 280

The Governor proclaimed the week of Oct. 7, 1945, "Optimist Week."

OCTOBER 2, 1945

From the Register of Civil Proceedings, 1944-1947, p. 280

The Governor proclaimed week Oct. 7-13, 1945, "National Employ the Physically Handicapped Week."

OCTOBER 18, 1945

From the Register of Civil Proceedings, 1944-1947, p. 289

The Governor proclaimed Saturday, October 27th, 1945, as "Navy Day."

NOVEMBER 7, 1945

From the Register of Civil Proceedings, 1944-1947, p. 299

The Governor proclaimed Monday, Nov. 12, 1945, "Armistice Day."

NOVEMBER 13, 1945

From the Register of Civil Proceedings, 1944-1947, p. 302

The Governor issued a Writ of Election on the Sheriff of Franklin [County] to call a special Election Tuesday, Dec. 4, 1945, to fill a vacancy caused by the resignation of Joseph A. Falzone in the 25th Senatorial District.

NOVEMBER 15, 1945

From the Register of Civil Proceedings, 1944-1947, p. 303

The Governor proclaimed Thursday, November 22, 1945, as Thanksgiving Day.

DECEMBER 20, 1945

From the Register of Civil Proceedings, 1944-1947, p. 324

The Governor proclaimed Jan. 5, 1946, as George Washington Carver Day.

FEBRUARY 6, 1946

From the Register of Civil Proceedings, 1944-1947, p. 353

The Governor proclaimed the week of Feb. 17-26, 1946, as American Brotherhood Week.

FEBRUARY 27, 1946

From the Register of Civil Proceedings, 1944-1947, p. 368

The Governor proclaimed March 2 to 10, 1946, as 4-H Club Week.

MARCH 8, 1946

From the Register of Civil Proceedings, 1944-1947, p. 376

The Governor proclaimed Friday, March 8, 1946, as World Day of Prayer.

MARCH 22, 1946

From the Register of Civil Proceedings, 1944-1947, p. 385

The Governor issued a Writ of Election on the Sheriff of Mercer County for a special election to be held Tuesday, April 23, 1946, for purpose of electing a State Representative for Mercer County.

MARCH 23, 1946

From the Register of Civil Proceedings, 1944-1947, p. 386

The Governor issued a Writ of Election to the Sheriff of St. Louis City for a special election to be held April 23, 1946, to elect a State Senator for the old 29th Senatorial District to fill the place vacated by the death of Honorable Clyde W. Wagner.

MARCH 26, 1946

From the Register of Civil Proceedings, 1944-1947, p. 388

The Governor issued a Proclamation calling upon the people of Missouri to support the State Program for Food Conservation.

APRIL 1, 1946

From the Register of Civil Proceedings, 1944-1947, p. 391

The Governor proclaimed the week of April 7 to 13 as "Know Your Public Health Nurse Week."

APRIL 3, 1946

From the Register of Civil Proceedings, 1944-1947, p. 393

The Governor proclaimed Saturday, April 6, 1946, as "Army Day in Missouri."

APRIL 15, 1946

From the Register of Civil Proceedings, 1944-1947, p. 400

The Governor issued a Proclamation declaring the period April 15 to May 1 as Cancer Control Weeks.

APRIL 19, 1946

From the Register of Civil Proceedings, 1944-1947, p. 404

The Governor proclaimed the month of May as American Legion Month in Missouri.

APRIL 22, 1946

From the Register of Civil Proceedings, 1944-1947, p. 406

The Governor proclaimed the week of April 27 to May 4 "Boys and Girls Week."

APRIL 22, 1946

From the Register of Civil Proceedings, 1944-1947, p. 406

The Governor proclaimed the week beginning May 5 as "National Music Week."

MAY 2, 1946

From the Register of Civil Proceedings, 1944-1947, p. 413

The Governor proclaimed Sunday, May 19th, as "I Am An American Day."

MAY 6, 1946

From the Register of Civil Proceedings, 1944-1947, p. 415

The Governor issued a Writ on the Sheriff of Perry County calling for Special Election to supply a vacancy caused by the death of John J. Andres, Representative.

MAY 10, 1946

From the Register of Civil Proceedings, 1944-1947, p. 417

The Governor issued a Proclamation calling on all businesses and every citizen to cooperate in conservation of fuel and electricity.

MAY 10, 1946

From the Register of Civil Proceedings, 1944-1947, p. 417

The Governor proclaimed Sunday, May 12, as "Mother's Day."

JUNE 14, 1946

From the Register of Civil Proceedings, 1944-1947, p. 436

The Governor issued a Proclamation setting aside Sunday, June 16, as "Father's Day."

JULY 26, 1946

From the Register of Civil Proceedings, 1944-1947, p. 460

The Governor issued a proclamation designating August 1, 1946, as "Army Air Force Day."

SEPTEMBER 16, 1946

From the Register of Civil Proceedings, 1944-1947, p. 488

The Governor proclaimed the month of October as Parent-Teacher Membership Month.

SEPTEMBER 20, 1946

From the Register of Civil Proceedings, 1944-1947, p. 491

The Governor issued a proclamation proclaiming Tuesday, Oct. 29, 1946, as "Missouri Day" at the American Federation of Labor Union Label & Industrial Exhibition at St. Louis, Mo.

SEPTEMBER 23, 1946

From the Register of Civil Proceedings, 1944-1947, p. 492

The Governor issued the following Proclamations:

Sept. 29 through Oct. 6 as "16th Annual Religious Edu. Week."

Month of Oct. as "U. S. O. See-It-Thru" Campaign.

"Fire Prevention Week."

SEPTEMBER 25, 1946

From the Register of Civil Proceedings, 1944-1947, p. 494

The Governor issued a Writ of Election directing sheriff of Chariton Co. to call election Nov. 5, 1946, to elect State Senator.

SEPTEMBER 30, 1946

From the Register of Civil Proceedings, 1944-1947, p. 497

The Governor issued the following Proclamations:

Oct. 6th to 12th, 1946, as Employ the Physically Handicapped Week.

Oct. 13th to 19th, 1946, as Letter Writing Week.

OCTOBER 11, 1946

From the Register of Civil Proceedings, 1944-1947, p. 503

The Governor issued a proclamation proclaiming Oct. 20-26, "National Child Accident Prevention Week."

OCTOBER 23, 1946

From the Register of Civil Proceedings, 1944-1947, p. 509

The Governor proclaimed Sunday, Oct. 27, as "Navy Day."

NOVEMBER 6, 1946

From the Register of Civil Proceedings, 1944-1947, p. 515

The Governor proclaimed November 10, 1946, as "Marine Corps Day."

NOVEMBER 25, 1946

From the Register of Civil Proceedings, 1944-1947, p. 526

The Governor issued a proclamation calling upon all businesses, industries, whether privately owned or publicly owned, and each and every citizen of the State to cooperate in the conservation of fuel and electric current, etc.

NOVEMBER 27, 1946

From the Register of Civil Proceedings, 1944-1947, p. 528

The Governor issued a proclamation proclaiming First Sunday in December, 1946, as Gold Star Remembrance Day in the State of Missouri commemorating the Nation's entry into World War II.

DECEMBER 23, 1946

From the Register of Civil Proceedings, 1944-1947, p. 544

The Governor proclaimed the results of General Election held Nov. 5, 1946.

JANUARY 31, 1947

From the Register of Civil Proceedings, 1944-1947, p. 568

The Governor proclaimed Wednesday, February 5, 1947, as Conservation Pledge Day.

FEBRUARY 6, 1947

From the Register of Civil Proceedings, 1944-1947, p. 573

The Governor issued a proclamation proclaiming the week of Feb. 16-23 as American Brotherhood Week in Missouri.

FEBRUARY 7, 1947

From the Register of Civil Proceedings, 1944-1947, p. 574

The Governor called a special election in Douglas County to supply vacancy caused by resignation of Quentin Haden, who was member of 64th General Assembly, said election to be held on Tues., March 4, 1947.

FEBRUARY 7, 1947

From the Register of Civil Proceedings, 1944-1947, p. 575

The Governor issued a Proclamation proclaiming the period from Feb. 9 through Feb. 15, 1947, as "National Heart Week."

FEBRUARY 8, 1947

From the Register of Civil Proceedings, 1944-1947, p. 575

The Governor issued a Proclamation proclaiming Feb. 11, 1947, as Thomas Edison Day in Missouri.

FEBRUARY 11, 1947

From the Register of Civil Proceedings, 1944-1947, p. 577

The Governor issued a Writ of Election calling Special Election to be held Friday, March 7, 1947, in City of St. Louis for State Senator of old 29th Senatorial District.

FEBRUARY 19, 1947

From the Register of Civil Proceedings, 1944-1947, p. 583

The Governor issued a proclamation proclaiming Friday, Feb. 21, 1947, as "World Day of Prayer," in Missouri.

MARCH 31, 1947

From the Register of Civil Proceedings, 1944-1947, p. 608

The Governor issued a proclamation proclaiming the month of April, 1947, as Cancer Control Month.

APRIL 4, 1947

From the Register of Civil Proceedings, 1944-1947, p. 611

The Governor issued a proclamation proclaiming April 7, 1947, as Army Day, and week of April 7 to 12 as Army Week.

APRIL 19, 1947

From the Register of Civil Proceedings, 1944-1947, p. 621

The Governor issued a proclamation designating April 20 through April 26th, 1947, as "Public Health Nursing Week."

APRIL 19, 1947

From the Register of Civil Proceedings, 1944-1947, p. 621

The Governor issued proclamation designating week of April 20 through April 26, 1947, as "World Fellowship Week."

MAY 10, 1947

From the Register of Civil Proceedings, 1944-1947, p. 632

The Governor issued a proclamation proclaiming Sunday, May 11, 1947, Mother's Day in Missouri.

MAY 17, 1947

From the Register of Civil Proceedings, 1944-1947, p. 635

The Governor issued a proclamation proclaiming the week of May 18 to 25th, inclusive, as Naval Reserve Week.

MAY 21, 1947

From the Register of Civil Proceedings, 1944-1947, p. 637

The Governor issued a proclamation proclaiming Saturday, May 24, as "Buddy Poppy Day."

MAY 29, 1947

From the Register of Civil Proceedings, 1944-1947, p. 641

The Governor issued a proclamation proclaiming the month of June, 1947, as "June Dairy Month for Missouri."

JUNE 3, 1947

From the Register of Civil Proceedings, 1944-1947, p. 643

The Governor issued a proclamation proclaiming June 5, 6 and 7, 1947, as "35th Division (National Guard) Days" in Missouri.

JUNE 11, 1947

From the Register of Civil Proceedings, 1944-1947, p. 646

The Governor issued a proclamation proclaiming Sunday, June 15, 1947, as Father's Day.

JULY 31, 1947

From the Register of Civil Proceedings, 1947-1950, p. 15

The Governor proclaimed Aug. 1, 1947, as "Army Air Force Day."

SEPTEMBER 11, 1947

From the Register of Civil Proceedings, 1947-1950, p. 38

The Governor proclaimed the week Sept. 14-20 as Constitution Week, and Sept. 17, Constitution Day.

SEPTEMBER 15, 1947

From the Register of Civil Proceedings, 1947-1950, p. 39

The Governor proclaimed Sept. 17 as National Guard Day in Missouri.

SEPTEMBER 16, 1947

From the Register of Civil Proceedings, 1947-1950, p. 40

The Governor proclaimed the month of October as Parent-Teacher Membership Month.

SEPTEMBER 24, 1947

From the Register of Civil Proceedings, 1947-1950, p. 44

The Governor issued a proclamation proclaiming the week of Sept. 28, 1947, through October 5, 1947, as 17th Annual Religious Education Week.

SEPTEMBER 30, 1947

From the Register of Civil Proceedings, 1947-1950, p. 46

The Governor proclaimed the first week in October, 1947, as Employ the Physically Handicapped Week, Oct. 5-11, 1947.

SEPTEMBER 30, 1947

From the Register of Civil Proceedings, 1947-1950, p. 46

The Governor proclaimed the week beginning Oct. 5, 1947, as Fire Prevention Week in Missouri.

OCTOBER 9, 1947

From the Register of Civil Proceedings, 1947-1950, p. 50

The Governor issued a proclamation proclaiming the week of Oct. 12th to 19th, 1947, as "Letter Writing Week."

OCTOBER 25, 1947

From the Register of Civil Proceedings, 1947-1950, p. 57

The Governor issued a proclamation proclaiming Oct. 27, 1947, as Navy Day in Missouri.

NOVEMBER 6, 1947

From the Register of Civil Proceedings, 1947-1950, p. 62

The Governor issued a proclamation proclaiming Nov. 10, 1947, as Marine Corps Day in Missouri.

FEBRUARY 11, 1948

From the Register of Civil Proceedings, 1947-1950, p. 108

The Governor issued a proclamation designating Friday, February 13, 1948, as "World Day of Prayer" in Missouri.

FEBRUARY 28, 1948

From the Register of Civil Proceedings, 1947-1950, p. 117

The Governor proclaimed the week of March 1 to 7th as 4-H Club Week.

MARCH 30, 1948

From the Register of Civil Proceedings, 1947-1950, p. 136

The Governor issued a proclamation proclaiming the month of April, 1948, as Cancer Control Month.

APRIL 2, 1948

From the Register of Civil Proceedings, 1947-1950, p. 139

The Governor issued a proclamation designating April 6, 1948, as Army Day in Missouri.

APRIL 10, 1948

From the Register of Civil Proceedings, 1947-1950, p. 143

The Governor issued a proclamation proclaiming the week of April 11th through April 17th as "Public Health Nursing Week."

APRIL 21, 1948

From the Register of Civil Proceedings, 1947-1950, p. 148

The Governor issued a proclamation declaring the period beginning April 15, 1948, and through June 30, 1948, for the Security Loan Campaign of the Treasury Department.

APRIL 29, 1948

From the Register of Civil Proceedings, 1947-1950, p. 154

The Governor issued a proclamation proclaiming April 30, 1948, as "Naval Reserve Day" in Missouri.

MAY 6, 1948

From the Register of Civil Proceedings, 1947-1950, p. 156

The Governor issued a proclamation proclaiming Sunday, April 9, 1948, "Mother's Day in Missouri."

MAY 10, 1948

From the Register of Civil Proceedings, 1947-1950, p. 158

The Governor issued a proclamation designating the week of May 15-21, 1948, as period of observance of the 30th Anniversary of the United States Air Mail Service.

MAY 14, 1948

From the Register of Civil Proceedings, 1947-1950, p. 159

The Governor proclaimed the week of May 24-29 as V. F. W. "Buddy" Poppy Week in Missouri.

MAY 21, 1948

From the Register of Civil Proceedings, 1947-1950, p. 164

The Governor issued a proclamation proclaiming Saturday, May 22, 1948, as "National Maritime Day" in Missouri.

MAY 28, 1948

From the Register of Civil Proceedings, 1947-1950, p. 167

The Governor issued a proclamation proclaiming the month of June as "June Dairy Month in Missouri."

AUGUST 23, 1948

From the Register of Civil Proceedings, 1947-1950, p. 208

The Governor issued a proclamation pursuant to the Selective Service Act of 1948, setting registration dates under this act for the period August 30 to September 18, 1948.

SEPTEMBER 3, 1948

From the Register of Civil Proceedings, 1947-1950, p. 215

The Governor issued a proclamation proclaiming the month of September "Youth Month In Missouri."

SEPTEMBER 14, 1948

From the Register of Civil Proceedings, 1947-1950, p. 219

The Governor issued a proclamation relative to Missouri National Guard and Selective Service Act.

SEPTEMBER 22, 1948

From the Register of Civil Proceedings, 1947-1950, p. 224

The Governor proclaimed the month of October, 1948, as Parent-Teacher Membership Month in Missouri.

SEPTEMBER 22, 1948

From the Register of Civil Proceedings, 1947-1950, p. 224

The Governor proclaimed the period beginning Sunday, Sept. 26, 1948, and continuing through Sunday, October 3, 1948, as the 18th Annual Religious Education Week.

OCTOBER 1, 1948

From the Register of Civil Proceedings, 1947-1950, p. 229

The Governor issued a Proclamation urging the citizens of Missouri to observe the week Oct. 3 through Oct. 9, 1948, as Fire Prevention Week.

OCTOBER 1, 1948

From the Register of Civil Proceedings, 1947-1950, p. 229

The Governor issued a Proclamation setting aside the week of October 3 through October 9, 1948, as Employ the Physically Handicapped Week in Missouri.

OCTOBER 4, 1948

From the Register of Civil Proceedings, 1947-1950, p. 230

The Governor issued a writ of election, to fill such vacancy and do hereby issue [and] direct that you cause an election to be held on Tuesday, November 2, 1948, for the election of member of the House of Rep. in Congress of U. S., from Tenth Congressional District of Missouri, to fill vacancy in Congress of U. S., caused by death of Hon. Orville Zimmerman, to following counties: Bollinger Co.; Butler Co.; Mississippi Co.; Cape Girardeau Co.; Dunklin Co.; New Madrid Co.; Pemiscot Co.; Ripley Co.; Scott Co.; and Stoddard Co.

OCTOBER 16, 1948

From the Register of Civil Proceedings, 1947-1950, p. 236

The Governor issued a Proclamation urging that "United Nations Day" be observed October 24, 1948.

OCTOBER 18, 1948

From the Register of Civil Proceedings, 1947-1950, p. 237

The Governor issued a proclamation designating the week from Oct. 17 to Oct. 23, 1948, as National Letter Writing Week.

OCTOBER 26, 1948

From the Register of Civil Proceedings, 1947-1950, p. 241

The Governor issued a Proclamation declaring Wednesday, Oct. 27, 1948, as Navy Day in Missouri.

NOVEMBER 10, 1948

From the Register of Civil Proceedings, 1947-1950, p. 247

The Governor issued a proclamation proclaiming Nov. 10, 1948, as "Marine Corps Day in Missouri."

NOVEMBER 10, 1948

From the Register of Civil Proceedings, 1947-1950, p. 248

The Governor issued a proclamation proclaiming the week beginning November 14, 1948, and ending November 20, 1948, as "Plant Walnut Week" in Missouri.

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